

TRANSLATION OF  
A DIGEST  
OF THE  
BURMESE BUDDHIST LAW  
CONCERNING  
INHERITANCE AND MARRIAGE;  
BEING  
A COLLECTION OF TEXTS FROM THIRTY-SIX DHAMMATHATS,

COMPARED AND ARRANGED UNDER THE SUPERVISION OF

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LIEUTENANT-GOVERNOR OF BURMA,

AT THE INSTANCE AND UNDER THE AUTHORITY OF THE LATE

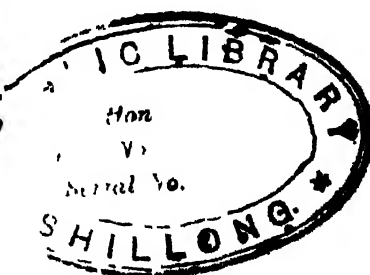
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**A DIGEST**  
**OF THE**  
**BURMESE BUDDHIST LAW CONCERNING INHERITANCE,**  
**BEING**  
**A COLLECTION OF TEXTS FROM THIRTY-SIX DHAMMATHATS,**  
**COMPARED AND ARRANGED BY**  
**EX-KINWUN MINGYI AFTER CONSULTATION WITH**  
**LEARNED BUDDHIST MONKS AND LAYMEN.**  
Commenced in May 1893 A D, Nayôn 1255 B.E., the two thousand four hundred and  
thirty-seventh year of the Buddhist Religion.

**CHAPTER I.**  
**INVOCATION AND PREFACE.**

— — — — —  
**SECTION 1.**  
**INVOCATION.**

Reverence to the Blessed One, the Holy One, the Enlightened One.

The Conqueror, having dispelled the darkness of ignorance, by means of the rays of the noble Dharma, has enlightened the world in the same way as the sun which causes the lotus to bloom. May he watch over me in this undertaking.

— — — — —  
**SECTION 2.**  
**PREFACE.**

There are many rulings, Dhammathats, and other law books compiled by learned jurists during the time of the ancient kings succeeding Mahâthamada. These compilations are based on such Dhammathats as Manu and Mano, which were given by holy *rishis* who were endowed with supernatural power to King Mahâthamada, the first ruler of mankind.

A Dhammathat is a collection of rules which are in accordance with custom and usage, and which are referred to in the settlement of disputes relating to person and property. Of the eighteen branches of the law treated of in the Dhammathats those which are most frequently referred to are the laws concerning inheritance and marriage. With a view to facilitate reference to the said two branches of the law, and of obviating the necessity of referring to the Dhammathats themselves, I purpose to collect in a single work the rules contained in the various Dhammathats. All the Dhammathats extant have been collected and their total number is thirty-six, namely :—

thirteen, such as the Manosâra Shwe-myin, and Manuvannanâ, written in Pâli ;

twelve, such as the Mânussika, Dhammavilâsa, and Vinicchayakungya, written in Burmese prose ; and

eleven, such as the Myingun, Kandaw-Mingyaung, Pakeinnaka, and Manuvannanâ, written in Burmese verse.

I shall take up the subject of inheritance first, and shall see that the extracts made are faithful transcriptions from the original works.

## CHAPTER II.

### INSTRUCTIONS TO READERS (OF THE ORIGINAL).

#### SECTION 3.

##### INSTRUCTIONS TO READERS (OF THE ORIGINAL).

(a) The table of contents shows the twenty-six chapters under which cases of an identical or a similar nature are grouped together, and each case marked off with a number as a section, commencing from section 5, which contains the original prefaces to the Dhammathats, to section 415.

(b) The appendix shows the names and the number of Dhammathats out of the thirty-six, which treat of a case in common, and the number given to it in the Digest. If a case occurs more than once in the same Dhammathat such occurrence is indicated by numbers placed over the figure (1) ; *e.g.*, number 2 placed over figure (1) shows that it occurs twice, and number 3 placed over figure (1) shows that it occurs three times, and so on.

(c) The first section contains the invocation.

(d) The second section contains the preface.

(e) Chapter II, section 4, gives in a tabular form the names of the thirty-six Dhammathats, in chronological order, their abbrevi-

ated names as used in the Digest, the years of their production, and the names of the authors together with the opening sentences and summary accounts of each.

(f) To each of the cases in the law of inheritance a serial number is given as sections, as well as a short title of the case. Complete original extracts of the law bearing on the point are made from as many Dhammathats as treat of the point in question, and arranged in the chronological order of the Dhammathats.

(g) Some of the extracts contain in one paragraph two, three, or more cases of a similar nature with only one provision of law for all.

The reason why each case cannot be given as a section with a separate number and provision of law for it, like the rest of the cases in the Digest is, that every case contained in the extract is taken up again in other parts of the Digest in its appropriate place.

(h) When a case is discussed in the same Dhammathat more than once, the several discussions are not given in a continuous form, but in as many separate paragraphs as the number of times discussed, and arranged in the order in which they are in the Dhammathat, with the word "ditto" shown by the side of the paragraph in order to show that the same case is treated again in the same Dhammathat.

(i) In some extracts there is one provision of law for two, three, or more similar cases contained in a *gāṭha*, paragraph, or stanza of the Dhammathat. Wherever there is an extract of this nature, the various cases are not given severally, but the whole extract in Pāli with its translation, in prose, or in verse according as the original is in one or other of those forms, is given above the first sentence of the extract, and a little removed towards the right side of the page.

(j) In the original extracts containing two or more similar cases, the first of the similar cases is distinguished by a (∞), the second by a (∞), the third by a (∞) and so on, using the letters of the Burmese alphabet in their order, so as to facilitate reference when any of them is taken up again in other parts of the Digest.

(k) If any of the similar cases besides the first considered in any one chapter is again taken up in another chapter, a reference is made to the former by quoting the chapter, section, and the distinguishing letter. If such cases are considered in the same chapter but under different sections, reference is made in the same way by quoting the section and the distinguishing letter. If they are considered in the same section, reference is made only by quoting the distinguishing letter.

[NOTE:—i, j, and k refer to the extracts printed in small type.]

## SECTION 4.

The annexed table gives the names of the thirty-six Dhammathats from which extracts have been made in compiling the Digest, their abbreviated names as used in the Digest, the years, as far as they are known or ascertainable, in which they were written, the names of the authors, and a summary account of each. Regard is given to the age of the Dhammathats and not to the style in which they are written, in arranging them in the table. Where the year in which a Dhammathat was written is mentioned in the preface or elsewhere it is left as it is ; but where no such mention is made, but only a statement that the Dhammathat was written during the reign of a certain king, the year of that king's ascension to the throne according to the Hmannanyazawin-dawgyi, is given as the year in which it was written.

All Dhammathats in which no mention of either is made, are given in the same table below those arranged in chronological order and separated from the latter by a line.

*List of the thirty-six Dhammathats in Chronological Order.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
1	Manosāra, in Pāli.	Mano ...	...	The list is headed by this Dhammathat because its introduction says that it was presented by the Rishi Manosāra to King Mahāthamada. On the other hand the History of the Piṭakat says that the same work was compiled by eight judges during the reign of the Taunguyaukmin, son of Sinbyuwin, king of Hanthawaddy, and that it is also known by the name of Dhammathatkyaw.
2	Mānussika, prose.	Mānussika ..	...	The second place in the list is accorded to this Dhammathat because its introduction says that it was presented to King Mahāthamada by the Rishi Manu. The History of the Piṭakat, however, says that it was compiled by the Rishi Gawunpate and the Thagyamin during the time of Kassapa Buddha.
3	Pyu-min, in Pāli.	Pvu ...	89	It is stated in the Dhammathat that the work was compiled in Pāli in the year 89 B.E., by Pyumindi, king of Pagan, the Thagyamin, and a Rishi; that it was subsequently translated into Talaing by the kings of Rāmañña-desa; and that during the reign of Sinbyuwin, king of Hanthawaddy, the work was translated into Talaing and edited by Buddhaghosa at the instance of the Crown Prince. The History of the Piṭakat, however, says that the Dhammathat ascribed to Pyumindi is another work.
4	Dhammavilāsa, prose.	Vilāsa ...	455	The introduction says that it is an abridged edition of the Manu Dhammathat by Dhammavilāsa. The History of the Piṭakat says that it is based on the Manuwin Dhammathat and was compiled during the reign of Narapati-sithu, king of Pagan, who ascend-

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
5	Waru, in Pāli ...	Waru ...	643	ed the throne in 455 B.E., by Dhammavilāsa, a native of Paṭṭipateyya village in Dala district, whose monastic name was Sāriputtara and whose title was Dhammavilāsa.  The introduction says that it was originally compiled in Talaing on the basis of the Manu Dhammathat at the instance of Waru, king of Martaban, and that it was translated into Burmese by Buddhaghosa. The Life of Yazadarit says that Magadu became king of Martaban in 643 B.E.; and in a hall constructed in the centre of the town, a Dhammathat was compiled by an assembly of learned men, and the compilation was known as Waru Dhammathat after the title assumed by the king. This statement is confirmed by the list of Dhammathats appended to the History of the Piṭakat.
6	Dhammathat-Kungya, prose.	Kungya ..	788	According to the preface it was written in four volumes, in 75 B.E., by Minpyan, Pagan Prince, having for its basis an old Dhammathat, which contained more rules than the Manu, Mano, Dhammavilāsa, and Mānussika Dhammathats, and which was written as far back as 11 B.E. The old Dhammathat was in the possession of Sadaw Mahāsangharājadhamma who resided at Pagan, in the gilt monastery built by Mohnyinmindayagyi, who ascended the throne of Ava in the year 788 B.E. In the History of the Piṭakat, it is not found mentioned as Dhammathat-Kungya, but as Paganpyanchi and Lezaungdwè.
7	Kaingza Shwe Myin, in Pāli.	Kaingza ...	991	The preface states that it was written by Rishi Manusāra and given to King Mahāthamada. There

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation	Date of compilation according to Burmese era.	Remarks.
			Year	is an epilogue. The History of the Piṭakat says that the Dhammathat handed down from King Mahāthamada was edited by Manurājā Amat, "eater" of Kaingywa village, with the help of the famous priest of Taungpila during the reign of Thalunmindayagyi, builder of the Rājamañicūlā pagoda, who ascended the throne in 991 B.E.
8	M-hayazathat, prose.	Yazathat ...	991	In the preface it is said that it was written by Manurājā Amat, Judge and "eater" of Kaingywa village, in compliance with the request of Thalunmindayagyi who ascended the throne of Ava in 991 B.E. The year of the completion of the work is not mentioned. The same account appears in the History of the Piṭakat.
9	Myingun, verse	Myingun ...	1012	The preface states that it was written by a monastic pupil of the Ledatkyauṅ Sayadaw of Sagaing, while residing at Taungbaw kyaung in his native town of Myingun, and that it was completed in 1012 B.E. The name of the author is not expressly mentioned. According to the History of the Piṭakat it was written in 1012 B.E. by <i>thero</i> Dhammavilāsa in a kyaung on a hill at Myingun. He was a pupil of the Sayadaw, who resided in a kyaung near Shwezigōn pagoda which was built by Minkyizwasawke of Ava.
10	Dhammathat-kyaw, prose.	Dhammathat-kyaw.	1095	The preface states that it was compiled from Maṇu, Maṇo, Dhammavilāsa, and Dhammathaktyaw by Mahā-Buddhinkūra, Sayadaw to Hanthawaddyaukmin, builder of the Lokatharapu pagoda, who ascended the throne of Ava in 1095 B.E. The year in which the work was completed is not mentioned. In the History

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	of the Piṭakat, the same work appears under the different name of Lezaungdwè Dhammathat, and is said to have been compiled from four Dhammathats, Manu, Mano, Dhammavilāsa and Dhammathatkyaw by <i>thero</i> Nānadharmavilāsa, who resided in a four-storied <i>kyauṅ</i> , erected on the north-west of Mahamyatmuni pagoda, by Nyaungyanmin-daya, the second king of Ava.
11	Dhammavinicchaya, prose.	Dhamma ...	1114	The preface states that it was written by Letwèrandasithu, one of the ministers. The year of completion of the work is not mentioned. According to the History of the Piṭakat, it was written by Judge Letwèbinanthu during the reign of Alompra, founder of Shwebo, who ascended the throne in 1114 B.E. In this also the year in which the work was completed is not mentioned.
12	Manugyè, prose	Manugyè ...	1114	Neither the name of the author nor the year of the completion of this Dhammathat is mentioned in the work itself. According to the History of the Piṭakat it was written by Bhummajeya Mahāsiriut-tamajeya Thingyan, Wun in charge of the moat of the city of Shwebo, during the reign of Alompra, who ascended the throne in 1114 B.E.
13	Kandawpakeinnakalinga, verse.	Kandaw ...	1120	The preface says that it was written by <i>thero</i> Lankāsāra in the year 1120 B.E. According to the History of the Piṭakat, it was written by U Tun Nyo, whose title was Mingyi Mahāsithu, Wun of Twinthintak. It is therefore believed that it must have been written while he was still a monk.
14	Shintezawtharashwemyin, in Pāli.	Tejo ...	1122	The preface says that it was translated from the Pāli by <i>thero</i> Tezawthara at the solicitation of

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
15	Vannadhamma Shwemyin, in Pāli.	Vannadhamma	1125	Mingyi Minkyawdin, Prime Minister at the time of Sagaing Mindavagyi, who ascended the throne of Shwebo in 1122 B.E., with the title of Sihasūramahārāja. It is not found in the list of Dhammathats given in the History of the Piṭakat.  The preface says that in consequence of errors having, in the course of time, crept into the Manusāra Dhammathat which was handed down from King Mahāthamada and successively edited during the reigns of Pyumindi king of Pagan, the Talaing kings, Sinbyuyin king of Hanthawaddy, and Thalunmindayagyi, it was again edited by Vannadhammakyawdin, Atwinwun in the reign of Sinbyuyin, the third king of Ava, who ascended the throne in 1125 B.E. According to the History of the Piṭakat it was compiled by Atwinwun Vannadhammakyawdin Mahazeyathura from the ten volumes of the original Manusāra Dhammathat in Pāli, which had been edited by Judge Manurāja "eater" of Kaingywa in conjunction with the well-known monk of Taungpila.
16	Manuvannanā, in verse.	Vannanā ...	1126	The preface says that it was written in 1126 B.E. by a pupil of the Taungdwin Sayadaw, who received the title of Nānālankār Mahārājaguru. According to the History of the Piṭakat it was written by Mingyi Mahasithu Wun of Twinthintaik. It is believed that the Taungdwin Sayadaw's pupil was no other than the Wun of Twinthintaik. The Manuvannanā in verse is placed in this list before the Manuvannanā in Pāli written by Vannadhamma, because the

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
17	Manuyin, verse	Manuyin	1129	former was not based on the latter, but was composed eight years previous to it. The preface says that the work was completed in 1129 B.E., without mentioning the name of the author. According to the History of the Piakat it was composed by the Wun of Twinthutak.
18	Vinicchayarāsi, prose.	Rāsi ...	1129	The preface says that the work was completed in 1129 B.E., but it does not mention the name of the author. According to the History of the Piakat it was written during the reign of Hanthawaddy-yauk-min by the Khemacāra, a native of Mèti village, near Popa, and a pupil of Patama-gyaw Aunganta Sayadaw.
19	Vinicchayapakāsani, in Pāli.	Vinicchaya ...	1133	The preface says that it was written by Vannadhammakyawdin Amat in 1133 B.E., during the reign of Sinbyuwin, the third king of Ava. According to the History of the Piakat Vannadhammakyawdin Mahazeyathu, Myoza of Yindaw, Wun of the nine Northern Troops of Cavalry, and Atwinwun during the time of King Sinbyuwin, put into Pāli together with a translation the Mahayazathat, which was written in compliance with the request of King Thalunmindayagyi, by Manurājā Amat, Judge, and "enter" of Kaingya.
20	Manuvannanā, in Pāli.	Manuvannanā.	1134	The preface says that it is an amplification of Manu Dhammathat by Amat Vannadhammakyawdin made in the year 1134 B.E., during the time of King Sinbyuwin. The same account of it is given in the History of the Piakat.
21	Vinicchayapakāsani, verse.	Pakāsani ...	1139	The preface says that it was written by Letwethōndara in 1139 B.E. In the History of the Pi-

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat	Abbreviation	Date of compilation according to Burmese era.	Remarks.
			Year.	takat also it is said that it was written by Judge Letwèthōndara whose ordinary name was U Myat San.
22	Mohavicchedani, in Pāli.	Vic hedani ..	1139	The preface says that it was written in 1139 B.E., by Amat Rājaba, akvawdin, during the reign of King Singu. In the History of the Piṭakat also it is said that the work was written by Amat Rājabala, that he was a native of Chaunggaik village in Pakan-gyi district, and that he entered the service as Atwinwun and was "eater" of Thetpan village during the reign of the first king of Amarapura.
23	Rājā' dā, in Pāli.	Rājabala, ...	1142	The preface says that it was written in 1142 B.E., by Amat Rājabala at the request of Prince Paganmin, during the reign of King Singu. It is not given in the list of Dhammathats in the History of the Piṭakat.
24	Sōndhmanu, in Pāli.	Sōnda ...	1143	The preface says that it was a translation into Pāli of the Manu Dhammathat in prose, by monk Nandamālā, a native of Paukmyin village in Bagyi circle. According to the History of the Piṭakat it was written by the Sayadaw whose monastic designation was Nandamālā and whose seal as a Sayadaw bore the title of Nandamālābhivamsa Sridhaja Mahādhammarājādhirājaguru, during the time of the first king of Amarapura, who ascended the throne in 1143 B.E. The Sayadaw was known as Sōnda Sayadaw owing to the fact of his leaving Sinbyugyun and residing at Sōnda village in Bagyi circle, and the Dhammathat was called after him as the Sōnda Dhammathat.

*List of the thirty-six Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era	Remarks.
			Year.	
25	Manu in Pāli ..	Manu ..	1143	The preface says that during the reign of the first king of Amarapura, who ascended the throne in 1143 B.E., one Maung Myat Thi, whose name as a monk was Kettuja, a native of Wundwin village in Labuan district wrote in Pāli the Manu Dhammathat and its commentary at Amarapura, and that the translation of the above work was made by Sayadon U An-kārāma during King Minlōn's reign. No mention is made of this Dhammathat in the History of the Piṭakat.
26	Pāṇaṁ Pakin-naka, verse.	Pāṇam ...	1143	The preface says that it was composed by Pāṇaṁ Wungyi, Mingyi Sīrimahāsīhīṣū during the reign of the first king of Amarapura. The year of the completion of the work is not given. No mention is made of it in the History of the Piṭakat.
27	Rescript ..	Rescript ...	1146	Contains orders issued in 1146 B.E., during the reign of the first king of Amarapura.
28	Vinicchayakun-gya, verse.	Kungyalinga	1165	The preface says that it was written in 1165 B.E., by Maung Pè Thi, whose title as clerk in charge of the Royal boats was Pyanchiwe-thaw. No mention is made of this Dhammathat in the History of the Piṭakat.
29	Dāyṁjadīpanī, verse.	Dāyajja ...	1173	The preface says that it was written in 1173 B.E., by an advocate bearing successively the titles Candasū, Candasūra and Sithu-nandameikkyawdin. It is not mentioned in the History of the Piṭakat.
30	Waru, verse ...	Warulinga ...	1184	The preface says that it was written in 1184 B.E., by one U Shwe Po, bearing the title of Rājakyawthu. According to the His-

*List of the thirty-six Dhammathats in Chronological Order—concluded*

No	Name of Dhammathat	Abbreviation	Date of compilation according to Burmese era	Remarks.
			Year	<p>tory of the Piṅkat it was written by Maung Po, a native of Ywamun village in Alōn district, who was tutor to Shwedaung Mintha, son of the first king of Amarapura</p>
31	Dhammasutta-mañjū, verse	Dhammasutta	1217	The preface says that it was written in 1207 B.E., by Theinkasithukyaw, clerk to the Moda Wundauk.
32	Amwchôn pros	Amwchôn	.	According to the History of the Piṅkat, the work which contains over a hundred cases bearing on the law of inheritance was written by the Mōnywe Sayadaw and Judge U Shwe Pu, who built the Jetavan monastery at Mōrywa
33	Manucittara, verse	Cittara		The work has no preface. The author and the year in which it was written are not known. In the History of the Piṅkat it is simply stated that it was written by an unknown monk
34	Shinthapa	Shinthapa	..	The work says that it was written by Shinthapa, but it does not say in what year. No mention is made of it in the History of the Piṅkat
35	Kyetso	Kyetso	..	The names of authors and the years of the completion of the works are not given in these works. Neither are they mentioned in the History of the Piṅkat
36	Kyannet	Kyannet	...	

## CHAPTER III.

## PREFACES TO THE DHAMMATHATS.

## SECTION 5.

## PREFACES TO THE CHAPTER ON INHERITANCE.

Out of the eighteen heads into which the law is divided I shall Kungya. first lay down the Law of Inheritance on the authority of the

*pyattōns, pyatpōns, yazathats*, and the *Kyemin Dhammathat*, *Zalimin Dhammathat*, *Manussapeta Dhammathat*, and other Dhammathats opening with such sentences as the following:—*"Inakodha na kosera," "Inissayañceva," "Idhdham avuso gij-jhakute pubbate,"* and *"Anantaññam gocaram."*

The Law of Inheritance is also mentioned in the sacred books; hence inferences may be drawn as to what the law would be according to the sacred writings by comparison with the Dhammathats, and *vice versa*. The Buddha is the supreme lord of the brahmas, devas, and men; and he is like the father while the latter are like his children. He has two kinds of heritages to bestow on his children, the temporal and the spiritual. Such temporal happiness as is enjoyed by the rulers of the brahma, the deva, and the mundane worlds, and the temporal welfare of any one in the three worlds are obtained by them only through observance of the rules he has laid down; hence indirectly the temporal welfare of every inhabitant of the three worlds is a heritage bestowed on him by the Buddha. The spiritual heritage is the spiritual bliss, secured by the attainment of *arhatship* and *nirvāna*. The Buddha spoke more in praise of the spiritual than of the temporal heritage and exhorted every one to strive after the attainment of the former. Every one who is firmly established in the Buddha's teachings is entitled to become his heir and to inherit his two heritages, first the temporal, by being born always a ruler in any of the three worlds, and secondly the spiritual, by the attainment of *nirvāna*. Whoever disregards his teachings cannot be counted as one of his children, and thus being disentitled to inherit can never obtain any temporal or spiritual happiness: such a one is doomed to have his lot cast in the four *apāyas*, to be far removed from *nirvāna*, and never to rise again from the nether worlds.

The subject of the two kinds of heritages is treated of in the *Dhammaddāyāda Sutta* of the *Sutta Pitaka*.

h a- Having dealt with the third section of the province of law, I shall now take up the Law of Inheritance which consists of many rules, and compile it from various works which have been the text-books of many previous writers on the subject.

The Law of Inheritance is a difficult subject and one is apt to err in applying the rules as to partition of heritable property, either from ignorance of the rules or from wilful perversion. With a view to consolidate the rules, I shall lay them down here, but shall do so only in a concise way: and thoughtful readers will exercise their judgment in amplifying them.

Having dealt with the other parts of the Dhammathat, I shall now turn to the chapter on Inheritance, which contains many rules which are always applicable, and of immediate concern to mankind. The rules are applicable to all classes of men, and the wise should therefore exercise sound judgment in applying the rules to different cases. M a n u -  
v a n n a n ā.

Having written the first three parts of the Dhammathat, I shall in the fourth, deal with the Law of Inheritance; and I purpose to treat the subject in such a way as to bring doubtful and uncertain minds to a clear understanding of the rules, just as a skilful mariner brings his ship safely to port in tempests, and clear of rocks, shoals and sand-banks. P a k ā s a n i

The following seven Dhammathats being inexhaustive in their treatment, the author has now written a separate treatise to supply the points of law not discussed in them. The seven Dhammathats are:—(1) Dhammavilāsa, (2) Mvingun, (3) Manusāra, (4) Manu, (5) Manuvannanā by Twinthinwan, (6) Vinicchayapakāsani, and (7) Manuvannanā by Maung Thu. D ā y a j j a.

The seven divisions of the Law of Inheritance are treated in the Dhammavilāsa, Manugyè, and other Dhammathats in such a very unsystematic and unmethodical way that it becomes a tedious task for any one who attempts to study the subject. The object of the present compiler is to give them such a treatment as to facilitate reference, and to enable one to grasp the subject at a glance, in much the same way as one who requires the collected nectar of various flowers, finds his laborious task efficiently performed by the busy bees and ready to hand in their honeycomb. The compiler, however, solicits the indulgence of his readers to supply deficiencies, to exclude extraneous matter, and to bestow merit wherever he deserves it, and also to free him from blame where no ancient authority could be quoted. A m w e b ō n.

Inheritance is the most difficult of the nineteen branches of law. An attempt is here made to treat the subject as concisely as possible without being too brief, and as exhaustively as it demands without entering into unnecessary details. K y a n n e t.

## SECTION 6.

### NATURE OF INHERITANCE.

There are four kinds of inheritance, namely:—

- (i) that which is obtainable by children, grandchildren and great-grandchildren only;

M a n u g y è.

- (ii) that which is obtainable by children and step-children ;
- (iii) that which is obtainable by some children and not by others though born of the same parents ; and
- (iv) that which should be withheld from children who have failed in filial duty.

The first may be exemplified by the palmyra. This tree cannot be propagated from cuttings or shoots : having lived its allotted period it bears fruit and dies. The fruits then continue the species. Whilst the parent tree is alive, no other tree is produced from it. Even so do children, grandchildren and great-grandchildren alone inherit on the death of the parents.

The second may be exemplified by the bamboo. It is the nature of this plant to propagate its kind from its roots whence spring shoots which grow up like the parent plant, as well as from its fruit which it bears when about to die. Even so do parents have children and step-children to share their estate

The third may be likened to the plantain tree which propagates its kind from shoots which grow up from the base like the parent tree ; but from its fruit no tree is produced. Likewise do parents have children who are entitled to inherit as well as those who are not.

The fourth may be exemplified by the reed. It is the nature of the reed to multiply its species through its root. In due time the reed flowers and dies without bearing fruit. The flower does not fertilize any fruit. Even so are there some children who fail in filial duty and therefore do not obtain any inheritance, as well as others who live with their parents and support them and are thus entitled to inherit.

In the *jātaka* it is mentioned that when King Samvara's ninety-nine elder brothers threatened to attack him, he was advised by his minister and counsellor, who was the embryo Buddha, in the following words : " O great king ! Combat not with your elder brothers, but after dividing the inheritance into one hundred equal parts, send them word that you are unwilling to fight, and request them to come and take their respective shares."

The king did as he was advised, and there was rejoicing in place of strife, the elder brothers being appeased and satisfied with the conduct of their younger brother. Based on this story a learned man has composed the following : --

“ ခမည်းတော်မွေ့အထွေထွေထီး၊ ဤငွေဥသုခသုခနာကို၊ တရာဝေရအပုံပြု၍၊ သင့်မှုငွေ  
ထောင်၊ ချီထွေငွေဖြင့်၊ နောင်တော်တို့အား၊ ဤကံထွေပြားလျက်၊ ခမ်းနားလက်ခွဲ၊ ဌာသကဲ့သို့၊ ကိုး  
ဆူတိုးတိုး၊ ပိုလေစေ၍။ ချီထွေကျင့်တော်မူဦးလေန့။ ”

[The meaning of the Burmese quotation is substantially the same as the above advice given by the embryo Buddha.]

Among laymen, disobedient and idle sons cannot inherit their parents' estate, and in the Order an idle monk who does not observe the rules of the Vinaya does not obtain the true law which is the inheritance of those in the Order. Heritable property is called *dāya*, and the person entitled to inherit is called *dāyāda* or *dāyājja*. The spirit of the law is to decide who is, and who is not to inherit after due consideration of the claims of each party.

[Amwebôn and Cittara give the same version as Manugyè, except that the latter specifies that the children who are not entitled to inherit are those given away when still young, and disobedient children whom the parents have publicly disinherited before Government officials and elders.] Amwebôn  
and  
Cittara.

## SECTION 7.

### HERITABLE AND NON-HERITABLE PROPERTY.

If a couple own ancestral property and if the husband dies in the hands of the wife, his son, if any, succeeds to his ancestral estate. If he has no son, his brothers are entitled to inherit it. If the wife dies first, the husband is entitled to her personal property such as cattle, gold, silver, and wearing apparel; but her ancestral property shall be given to her sisters.

The law of inheritance between husband and wife, and among brothers is as follows:—

If the husband brings with him to the union gold and silver as well as ancestral lands, his wife cannot succeed to the latter on his death. They shall be given to his son, if he has one, or to his brothers if there is no son. The wife is entitled to his gold and silver, and to such animate and inanimate property which do not form part of his ancestral estate. If the wife dies, the daughter alone is entitled to inherit her mother's ancestral estate; and in the absence of a daughter the deceased's sisters succeed to it. Her personal property such as gold and silver, and other animate and inanimate property shall be given to her husband.

A man who enjoys the usufruct of lands attached as an appanage to a hereditary office held by him, marries and dies with or without issue; the wife shall inherit only the household property and the *let-let-pwa* slaves and cattle. She cannot succeed to the lands held by her husband in consideration of his office. They shall be handed over to his eldest son who is competent to assume the office, or in Dhamma-  
thatkyaw.

the absence of such a son to his younger or elder brother, whoever is competent: they are not subject to partition.

**Dhamma.** When two brothers and their families live together, the rule of succession, on the death of the elder brother, to the hereditary office held by him is as follows:—if the office was obtained through the endeavours of the younger brother, he shall succeed to the office on his brother's death paying any debt contracted in securing it. On the death of the younger brother, his nephew shall succeed him. But, if the office was obtained by the elder brother through his own efforts, his son shall succeed to it and pay any debt incurred in respect of it.

**Manuḡyè.** Two brothers and their families live together. If the hereditary office held by the elder was obtained by him through the exertions of his younger brother, the latter shall succeed to it on his death and pay any debt contracted in obtaining it. On the death of the younger brother, or on his inability to hold the office, his nephew (son of his elder brother) shall succeed to it; and any debts pertaining to the office shall be borne by him, his sister-in-law, and his nephew in proportion to the benefits derived therefrom by each. If, however, he did nothing towards the acquirement of the office which was obtained by his elder brother's own endeavours, then the latter's son shall inherit it and pay the debts.

**Manuyin.** On the death of a man, his son or grandson shall inherit the hereditary estate. In the absence of such issue his younger brother shall inherit the same. On the death of his wife, her sisters inherit her ancestral estate, if there is any.

**Râst.** Two brothers and their families, owning both money and ancestral lands, have a dispute regarding the inheritance of the property. Between husband and wife, if one dies the other shall inherit the money and other personal property. As regards the husband's hereditary estate, his son shall succeed to it on his death; and in the absence of a son his younger brother shall succeed to the same. If the husband has not, but the wife has, an ancestral estate, her sisters shall inherit it on her death.

**Manu-  
vaṇṇanâ.** Inheritance shall be partitioned thus:—on the death of a man, his wife and children shall inherit his gold, silver, animate and inanimate property and slaves. But as to his hereditary office, his eldest son shall succeed to it, and on the death of the eldest son, the younger sons shall occupy it in succession. If the wife owns hereditary property, her eldest daughter shall succeed to it on her death. On the eldest daughter dying, her younger sisters shall inherit it in succession.

On the death of a man, his younger brother shall succeed to Vicchedani. his hereditary estate. A similar rule holds good on the death of his wife.

If there is any hereditary estate belonging to the husband or <sup>Sa,da.</sup> the wife, and if the husband die in the hands of the wife, his son shall succeed to his hereditary estate. If he has no son, his brothers are entitled to inherit it. Should the wife die first, the husband is entitled to her personal property, such as gold, silver and wearing apparel, but her hereditary ancestral estate shall go to her sisters.

Inheritance is of two kinds : one which may, and one which may <sup>Rescript.</sup> not be partitioned. The hereditary office of a father can be inherited only by a son and may not be shared by others. The following is a precedent. A Brahman *purohita*, who used to perform the ceremony of installing the royal elephants for Susīma, King of Benares died. When the time for the installation of a royal elephant arrived, the fact that the deceased incumbent's son was very young and unacquainted with the three Vedas and the duties appertaining to the office, was reported to the king, who then appointed other Brahmans instead. The old *purohita's* son, who was the embryo Buddha, went in a single day to Disāpāmokkha at Takkasila, a distance of one hundred and twenty *yojanas*, and after studying the three Vedas and the duties appertaining to the said office during the succeeding night, he returned early the next morning, reaching Benares the same day. He then went and represented to the king that for seven generations the appointment had been given to, and the duties performed by, a member of his family. He was accordingly appointed to perform the ceremony and was rewarded liberally.

A hereditary office should be inherited only by one who is competent to hold it. It has to be given to another when the rightful heir is incompetent. As there has been no end of dispute in cases where outsiders were called in to assist owing to the incompetence of the rightful holders, it was ruled that everywhere hereditary offices should each be held only by one person. Let not such an office, therefore, be assigned to an outsider who has no right to it, nor let it be held in conjunction with another, as it often happens that the outsider prefers a claim to inherit the office on the ground that he had once held it. Should the rightful holder be unable to carry on the duties of the office, let him make it over to his son. If, owing to youth, the son is unable to assume the office, and if it is found necessary to make it over to an outsider, let such person abdicate in favour of the rightful heir when he becomes quali-

fied to assume charge of it. If the transfer to the outsider has been made for a consideration, the rightful holder shall, on his assumption of office, pay the amount stipulated. The outsider has then no claims to the office, although at the time of assignment the understanding was that he might hold the same for life or for ever.

**Amwebón.** Two brothers and their families live together. If the hereditary office was obtained through the endeavours of the younger brother, he shall inherit the office on the death of the elder brother, and shall pay any debt contracted in securing it. On his death or on his inability to perform the duties of the office, his elder brother's son shall succeed to it. Any debt contracted, which is not in connection with the office, shall be borne by the wife and younger brother of the deceased elder brother in proportion to the benefits derived therefrom by each. If, on the other hand, the elder brother alone was instrumental in securing the office, his son shall inherit it and pay all debts.

**Kyannet.** A man has both acquired and ancestral property. On his dying without issue, his brothers or parents shall inherit the ancestral property. On the death of his wife, her ancestral property shall go to her sisters.

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## SECTION 8.

### MODES OF PARTITION OF INHERITANCE.

**Mano.** The following are the seven modes of partition:—(1) between mother and son on the death of the father; (2) between mother and daughter on the death of the father; (3) between father and son on the death of the mother; (4) between father and daughter on the death of the mother; (5) among children on the death of both parents; (6) among children by different wives; and (7) among children by different husbands.

**Waru.** O great king! In a case of inheritance, the property may be partitioned (1) between mother and son on the death of the father; (2) between father and daughter on the death of the mother; (3) among children on the death of both parents; (4) among children and step-mother on the death of the father; (5) among children and step-father on the death of the mother; (6) among children of the former and subsequent marriages; and (7) between one's own and adopted children or nephews.

**Kaingza.** [The same as Mano.]

There are seventeen different modes of partition of inheritance, namely:—(1) that between mother and son on the death of the father; (2) between father and eldest daughter on the death of the mother; (3) among children on the death of both parents; (4) between the children and the co-heirs of a deceased person; (5) between married children living separately from, and those living with, their parents; (6) succession by the husband or wife on the death of either; (7) partition between parents-in-law and children-in-law; (8) among sixteen sons, (9) among the four classes of sons; (10) among the three classes of sons; (11) between step-mother and step-children; (12) between step-father and step-children; (13) among three sons; (14) among the three classes of concubines; (15) among monks and Brahmans. (16) succession by supporters of a deceased person to the exclusion of his or her heirs; and (17) devolution of the inheritance to the State on the death of any one without heirs.

The different modes of partition of inheritance are the following:—(1) between mother and son; (2) between mother and daughter; (3) between father and son; (4) between father and daughter; and (5) among children on the death of both parents.

[The same as Mano.]

Tejo.

[The same as Mano.]

Vanna-  
dhamma.

[Substantially the same as Mano.]

Vannā.

[The same as Mano.]

Rāsi.

There are seven kinds of claims to inheritance, namely:—(1) by a son from the mother; (2) by a daughter from the mother; (3) by a son from the father; (4) by a daughter from the father; (5) by children from the parents; (6) by children of different wives; and (7) by children of different husbands.

[The same as Vinicchaya.]

Maṇu-  
vannā.

[Substantially the same as Vinicchaya.]

Pakāsaṇi.

There are two kinds of inheritance: that of laymen and that of monks. Of the former, partition is made as follows:—(1) between father and son; (2) between father and daughter; (3) between mother and son; (4) between mother and daughter; (5) among children of the same parents; (6) between step-parents and step-children; (7) among children of two or more successive marriages; (8) between parents-in-law and children-in-law; (9) between parents of the husband and of the wife; (10) between grandparents and grandchildren; (11) among several wives; (12) among children by several wives; (13) succession by younger brothers and sisters of a

deceased person ; (14) by parents of a deceased person ; (15) by grandparents of a deceased person ; (16) by relatives of a deceased person ; (17) by a stranger ; (18) (by the master) to the property of his slave ; and (19) devolution of the inheritance to the State on the death of any one without heirs.

**Rājabala.** The five ways of partition of inheritance among children are—  
(1) among sons only ; (2) among daughters only ; (3) among sons and daughters ; (4) between one's own and *kittima* children ; and (5) between one's own and *apatittha* children.

**Manu.** The different modes of partition of inheritance are—(1) between father and son ; (2) between father and daughter ; and (3) between mother and children.

**Dayajja.** The different modes of partition of inheritance mentioned in the various treatises extant are incomplete. The following are the seven cases of partition which have been left out :—

- (1) between grandparents and grandchildren ;
- (2) on the death of the father, among his children by two successive marriages and his surviving wife ;
- (3) on the death of the mother, among her children by two successive marriages and her surviving husband ;
- (4) between parents-in-law and son-in-law living separately from them ;
- (5) between parents-in-law and daughter-in-law living separately from them ;
- (6) between teacher's wife and pupil ; and
- (7) the right of the father to give to his eldest daughter a daughter obtained by one of the following concubines, namely, a hereditary slave, a *myoshi* slave, a purchased slave, an ordinary slave, and a *tawbyaung*.

**Warulinga.** The following are the modes of partition of inheritance :—

- (1) between mother and son on the death of the father ;
- (2) between father and daughter on the death of the mother ;
- (3) among children on the death of both parents ;
- (4) between step-mother and step-children ;
- (5) between step-father and step-children ;
- (6) between children of two successive marriages ; and
- (7) between one's own and adopted children.

**Kyetyo.** The following are the seventeen modes of partition of inheritance :—

- (1) between mother and eldest son on the death of the father ;

- (2) between father and eldest daughter on the death of the mother ;
- (3) among children on the death of both parents ;
- (4) between the co-heirs and grandchildren of a deceased person ;
- (5) between married children living separately from, and those living with, their parents ;
- (6) between parents-in-law and son-in-law ;
- (7) between parents-in-law and daughter-in-law ;
- (8) among sixteen sons ;
- (9) among the four classes of sons ;
- (10) between a woman's children by her two successive marriages ,
- (11) between a man's children by his two successive marriages ;
- (12) among the three classes of sons ;
- (13) among the three classes of concubines ;
- (14) among monks and Brahmans ;
- (15) on the death of either husband or wife, the survivor inherits ;
- (16) succession by a stranger who supported a deceased person to the exclusion of heirs ; and
- (17) devolution of inheritance to the State on the death of any one without heirs.

The seven modes of partition of inheritance are—

Kyannet.

- (1) between mother and son, on the death of the father ;
- (2) between mother and daughter, on the death of the father ;
- (3) between father and son, on the death of the mother ;
- (4) between father and daughter, on the death of the mother ;
- (5) on a man's death, between his children by the first wife and his second wife ;
- (6) on a woman's death, between her children by the first husband and her second husband ; and
- (7) among children, on the death of both parents.

#### SECTION 9.

#### CHILDREN MAY NOT CLAIM INHERITANCE DURING THE LIFETIME OF BOTH PARENTS.

On the death of parents, children may partition the parental *Mano*. estate.

While the parents are living, children shall not claim inheritance ; *Ditto*. but on the death of the parents, they may partition the parental estate.

**Pyu.** There shall be no partition of inheritance during the lifetime of both parents.

**Vilāsa.** There shall be no partition of inheritance while parents are living. On the death of the husband, the wife inherits; and on the death of the wife, the husband inherits. Children shall not have their own way; they are controlled by parents; and only on the death of the latter shall they obtain their inheritance.

**Kaingza.** [The same as the second extract from Mano.]

**Dhammathakya.** Children or grandchildren shall not claim inheritance, nor shall there be partition of it during the lifetime of the parents. There may be partition on the death of either parent or of both parents. This rule is in accordance with the Mano and Dhammavilāsa Dhammathats.

**Kandaw.** There shall be no partition of inheritance during the lifetime of the parents, but on their death children may have their inheritance.

**Tejo.** [The same as the second extract from Mano.]

**Vannadhamma.** [The same as the second extract from Mano.]

**Vannanā.** There shall be no partition of inheritance during the lifetime of parents.

**Rāsl.** While parents are still living, children shall not claim partition of inheritance. On the death of parents, children may partition the inheritance.

This rule explains the phrase အမ္မေသိသာ (a-mwe-ma-hmi-tha :) or children who predecease their parents and so do not obtain any inheritance.

**Manuvannanā.** Although there are slaves and other heritable property, they shall not be partitioned while parents are alive.

**Sōnda.** While parents are living there shall be no partition of inheritance.

**Manu.** During the lifetime of parents, children shall take what property is given to them.

*Commentary:* during the lifetime of parents, children cannot claim partition of inheritance.

**Kyetyo.** During the lifetime of parents there shall be no partition of inheritance. On the death of either parent or of both parents there may be such partition.

**Kyannet.** While both parents are living there shall be no partition of inheritance.

## SECTION 10.

## THE SEVEN KINDS OF RELATIONSHIP.

The seven kinds of relationship though mentioned in the Dham-<sup>Rāsi.</sup>mathats, are not enumerated. The Judges usually count three generations in the ascendent and three in the descendent line and include the person from whom the relationship is traced as forming one of the number. In this method of computation, it may be observed that an authority contends that one cannot be said to be either related or not related to oneself, and that therefore it is not in complete accordance with other existing authorities.

The Dhammathats say that persons who are within the category of the seven relationships in regard to one guilty of treason are liable to be burnt alive.

The venom of the snake and the heat of the forest fire destroy only such portions of things as are brought in contact with them, and are therefore not venom and fire properly so-called, on account of their limited destructibility. The power of the sovereign is not limited; it causes destruction to such as are related to the person against whom it is directed: it is indeed fire and venom because of its far-reaching influence. So when criminals are punished, three generations in the ascendent and the same number in the descendent line of the culprit are also liable to punishment.

According to the *Vinaya Pitakat* the seven kinds of relationship are—the father, the grandfather, the great-grandfather, the great-grandfather's father and so on up to the seventh ancestor. The same enumeration holds good on the maternal side. In counting the seven kinds of relationship in the manner described above, the co-heirs of the respective ancestors should also be included. In the same way seven generations are counted in the descendent line. The relatives included in the above enumeration are called *ññādi* (kinsmen) and those excluded from it are called *aññādi* (strangers).

The following are the names given to the several relatives by the translators of the *Vinaya* in some of their minor works. The names in the ascendent line are အဘ။ အဘိုး။ အဘေး။ အဘီ။ အဘွား။ အဘွေး။ အထောင်။ (a'pa, a'po; a'pe; a'pi, a'pwè; a'pwe; a'paw) and those in the descendent line are သား။ မြေး။ မြစ်။ အို။ မြေး။ ကွတ်။ ကျွတ်ထိတ်။ (tha; myi; myit, tî, hmyaw, kyut, kyut-'sat).

The seven kinds of relationship are counted three generations in Dhamma-<sup>sāra.</sup>the ascendent and the same number in the descendent line from oneself.

## SECTION 11.

## THE FIVE KINDS OF CO-HEIRS.

Dhamma-  
sāra. The five kinds of co-heirs are the following, namely, one's elder and younger brothers, elder and younger sisters, and their children

## SECTION 12.

## THE SIX KINDS OF KINDRED OF THE HUSBAND AND WIFE.

Rājabala. The six kinds of kindred of the wife are her father's elder and younger brothers, her mother's elder and younger sisters, her father's elder sister and her mother's elder brother and the six kinds of kindred of the husband are those standing in the same relationship to himself as the above.

Cittara. [Substantially the same as Rājabala]

[SECTION 13 OMITTED.]

## CHAPTER V.

## CHILDREN WHO MAY AND CHILDREN WHO MAY NOT INHERIT.

## SECTION 14.

THE THREE CLASSES OF CHILDREN MENTIONED IN THE  
PIṬAKAT.

Pyu. The son who is more virtuous than his parents, the son who is equal, and the son who is inferior, in virtuous deeds, to his parents: these have qualities of varying degrees because of their respective *karma*. They all are entitled to inherit.

Vilāsa.  
Vannanā.  
Rāsi. } [Substantially the same as Pyu.]

Sōnda. [The same as Pyu.]

Cittara. Of the four kinds of sons, some excel their parents in meritorious deeds, while others are either equal or inferior to their parents in such deeds.

Kyetyo. [Substantially the same as Pyu.]

SECTION 15.

THE FOUR CLASSES OF SONS MENTIONED IN THE PĪṬAKAT.

The following are the four classes of sons :— the son by a lesser Pyu wife ; the son obtained by a woman taken to wife during a man's sojourn at her place of residence ; the adopted son ; and the pupil recognized as a son. These may retain whatever the father gives.

The son by a woman of obscure status, and known as *vattara* ; Vilāsa. the son by a woman taken to wife during a man's sojourn in the place where the woman resides, and known as *pamutta* ; the foundling brought up in the family, and known as *dinnaka* ; and the pupil dependent on the teacher and regarded by the latter as a son and known as *antevāsika*.

The children mentioned above may retain what is given to them by the father only. They cannot keep what is given to them by the mother if the father does not approve of the gift, nor can they possess the thing given them unless there is actual delivery of possession.

The following are the four classes of sons mentioned in the Dhamma. *Īṭakat*, namely :—the son casually obtained, and termed *vattara* ; the son obtained during a sojourn at the place of residence of his mother, and termed *pamutta* ; the foundling termed *dinnaka* ; and the pupil recognized as a son, and termed *antevāsika*.

[Substantially the same as Dhamma.]	{ Manugyè. Vañṇanā.
[The same as Pyu.]	Sōnda.
[The same as Manugyè.]	Amwebōn.
[Substantially the same as Dhamma.]	Kyetya.

SECTION 16.

THE SIX CLASSES OF SONS WHO ARE ENTITLED TO INHERIT.

There are six classes of sons who are entitled to inherit the pro-Mano. perty of their parents, namely :—

- (1) son born of a union contracted with parental sanction, and known as *orasa* ;
- (2) son by a concubine, and known as *hetthima* ;
- (3) son by a female slave, and known as *khettaja* ;
- (4) son of either husband or wife by a former marriage, and known as *kittima* ;
- (5) son obtained from a flower, and known as *pupphaka* ; and
- (6) a foundling brought up in the family, and known as *apatippha*.

Waru.

O great king! There are twelve classes of sons of which six are entitled to inherit the property of their parents, and six are not so entitled.

The former six are—

- (1) son born in formal wedlock ;
- (2) son by a concubine ;
- (3) son by a female slave ;
- (4) son of either husband or wife by a former marriage ,
- (5) son publicly adopted , and
- (6) a foundling adopted casually and brought up in the family.

Kaingza.

There are six classes of sons who are entitled to inherit the property of their parents, namely :—

- (1) son born of a union contracted by parental authority, and known as *orasa* ;
- (2) son by a female slave, and known as *khettaja* ,
- (3) son by a concubine, and known as *hetthima* ;
- (4) son of either husband or wife by a former marriage, and known as *pubbaka* ;
- (5) son adopted publicly, and known as *kittima* ; and
- (6) a child casually adopted and brought up in the family of the adoptive parents, being abandoned by his natural parents: such a child is known as *apatittha*.

Dhamma.

Of the twelve classes of children, six are entitled, while the remaining six are not entitled, to inherit the property of their parents. The former six are—

- (1) child born of a union contracted by parental authority, and known as *orasa* ;
- (2) child adopted publicly with a view to inherit, and known as *kittima* ;
- (3) child by a concubine who does not “eat out of the same dish” with the husband, and known as *hetthima* ;
- (4) child by a female slave of the husband or of the wife, or by a female slave bought out of joint property, and known as *khettaja* ;

NOTE.—The slave here does not mean a hereditary slave.

- (5) child of the husband or the wife by a former marriage, and known as *dvepubbaka* ; and
- (6) child casually adopted, whether its parents and relatives are known or unknown: such a child is termed *apatittha*.

There are twelve classes of children of whom six are entitled, *Manugyè*, and the other six are not entitled, to inherit the property of their parents. The six classes of children who may inherit are—

- (1) children born of a union contracted by parental authority, and known as *orasa*;
- (2) children adopted publicly with a view to inherit, and known as *kittima*;
- (3) children by a concubine who does not "eat out of the same dish" with the husband, and known as *hetthi-ma* : the woman who is taken to wife during the lifetime of the chief wife, and who does not "eat out of the same dish" with the husband is called an *appaung*, *it*, a concubine, ch'dren of such a concubine are here meant ;
- (4) children by a female slave of the husband or of the wife, or by a female slave bought out of joint property : such children are known as *khettaja* ;  
NOTE — The slave here does not mean a hereditary slave.
- (5) children of the husband or the wife by a former marriage, and known as *dvepubbaka* ; and
- (6) children casually adopted, whether their parents and relatives are known or not : such children are termed *apatittha*.

The six classes of sons who are entitled to inherit are—

*Kandaw.*

- (1) son born in formal wedlock ;
- (2) son by a female slave ;
- (3) son by a concubine ;
- (4) son of the husband or the wife by a former marriage ;
- (5) son adopted publicly, and
- (6) son casually adopted through compassion.

[Substantially the same as *Kandaw*.]

*Tejo.*

[Substantially the same as *Kandaw*.]

*Vanna-dhamma.*

[Substantially the same as *Kandaw*.]

*Râsi.*

The following six classes of sons are entitled to inherit their parents' property :—

- (1) *orasa* son ;
- (2) son by a female slave ;
- (3) son by a lesser wife ;
- (4) son adopted publicly ;
- (5) son of the husband or the wife by a former marriage ; and
- (6) son casually adopted.

NOTE.—Some translators render *hetthima* as the son of an *apyaung* or concubine. Manusāra, in enumerating the four classes of *apyaungs*, bases his enumeration on the different classes of female slaves taken to wife. The word *apyaung* should therefore be restricted in use to the slave-wife. The woman taken to wife during the lifetime of the chief wife should be called *mayang*, or lesser wife, and the term *hetthima* should be taken to mean the son of such a wife.

Manu-  
vannānā.

The six classes of sons are—

- |                       |                        |
|-----------------------|------------------------|
| (1) <i>orasa</i> ;    | (4) <i>pubbaka</i> ;   |
| (2) <i>khettaja</i> ; | (5) <i>kittima</i> ;   |
| (3) <i>hetthima</i> ; | (6) <i>apatittha</i> . |

Pakāsani.

The six classes of sons who may inherit are—

- |                            |  |
|----------------------------|--|
| (1) <i>orasa</i> son ;     | (4) son publicly adopted .                   |
| (2) son by a slave-wife ;  | (5) son by a former marriage ,               |
| (3) son by a lesser wife ; | (6) a foundling brought up in<br>the family. |

Manu.

The six classes of sons who are entitled to inherit their parents' property are—

- (1) son born in formal wedlock ;
- (2) son by a female slave ;
- (3) son by a lesser wife ;
- (4) son of the husband or the wife by a former marriage ;
- (5) son publicly adopted ; and
- (6) foundling or destitute child casually adopted.

Pāṇan.

The following six classes of sons are entitled to inherit the property of their parents :—

- (1) son born in formal wedlock ;
- (2) son by a concubine ;
- (3) son by a female slave ;
- (4) son of the husband or the wife by a former marriage ;
- (5) son publicly adopted ; and
- (6) foundling casually adopted.

Kungya-  
linga.

The six classes of sons who are entitled to inherit the property of their parents are—

- (1) *orasa*, son born in formal wedlock ;
- (2) *khettaja*, son by a female slave ;
- (3) *hetthima*, son by a concubine ;
- (4) *pubbaka*, son of the husband or the wife by a former marriage ;
- (5) *kittima*, son publicly adopted ; and
- (6) *apatittha*, foundling casually adopted.

Dāyāja.

[Substantially the same as Kungyalinga.]

Of the twelve classes of sons, six are entitled, and the other six Warulinga are not entitled, to inherit their parents' property. The former are—

- |                       |  |                        |
|-----------------------|--|------------------------|
| (1) <i>orasa</i> ;    |  | (4) <i>pubbaka</i> ;   |
| (2) <i>hetthima</i> , |  | (5) <i>kittima</i> ;   |
| (3) <i>khettaja</i> ; |  | (6) <i>apatittha</i> . |

[Substantially the same as Kungyalinga.]

Dham-  
masāra.

[The same as Manugyè.]

Amwebôn.

The six classes of sons who are entitled to inherit their parents' Cittara property are—

- (1) son born in formal wedlock, and known as *orasa* ;
- (2) son by a lesser wife who does not "eat out of the same dish" with the husband, and known as *hetthima* ;
- (3) son by a female slave of the husband or of the wife, or by a female slave bought out of joint property: such a son is known as *khettaja* ;
- (4) son of the husband or the wife by a former marriage, and known as *pubbaka* ;
- (5) son adopted publicly, and known as *kittima* ; and
- (6) foundling casually adopted, and known as *apatittha*.

#### SECTION 17.

#### THE SIX CLASSES OF SONS WHO ARE NOT ENTITLED TO INHERIT.

The following six classes of sons are sons merely in name; they cannot inherit the property of their parents, but can retain only what is given them as they have no joint interest with the parents. They are—

- (1) pupil adopted as a son by the teacher ;
- (2) son obtained by the wife's adultery ;
- (3) son begotten while in pursuit of amorous pleasure ;
- (4) dog-son, *i.e.*, a son who is disobedient to the parents and lives independently of them ;
- (5) destitute and hunger-stricken child fed and brought up in the family ; and
- (6) son brought up by others.

The following six classes of sons are not entitled to inherit the Waru property of their parents, namely:—

- (1) son given away by parents and brought up by others ;

- (2) purchased son ;
- (3) son obtained by the wife's adultery ;
- (4) son begotten while in pursuit of amorous pleasure ;
- (5) dog-son, *i.e.*, a son who is disobedient to the parents ; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

**Kaingza.** The following six classes of sons are sons but in name ; they cannot inherit their parents' property. They obtain only such property as are delivered into their possession by the parents. They are—

- (1) son given away by parents and brought up by others ,
- (2) son purchased ,
- (3) the wife goes to live with another man, but returns to her husband after conception and gives birth to a child while with her husband the child so born ,
- (4) son begotten while in pursuit of amorous pleasure ;
- (5) dog-son, *i.e.*, one who is self-willed and disobedient to the parents , and
- (6) destitute and hunger-stricken child fed and brought up in the family.

**Dhamma.** The six classes of children who are not entitled to inherit their parents' property are—

- (1) child who was given away by the parents and was brought up by others, and known as *paradinna* ;
- (2) child who was bought, and known as *sahodḍha* ;
- (3) the wife separates from her first husband and takes another ; after conception she returns to her first husband, and gives birth to a child the child so born, and known as *punninuggati* ,
- (4) child begotten while in pursuit of amorous pleasure, and known as *kilita* ;
- (5) child who is disobedient to the parents and behaves like an enemy, and known as *svānutta* ; and
- (6) destitute and hunger-stricken child fed and brought up in the family, and known as *chātabhatta*.

**Manugḍe.** The six classes of children who are not entitled to inherit their parents' property are—

- (1) child who was given away by the parents and was brought up by others, and known as *paradinna* ;
- (2) child who was bought, and known as *sahodḍha* ;

- (3) the wife separates from her first husband and marries another; after conception she returns to her first husband and gives birth to a child the child so born, and known as *punnānuggati*;
- (4) child begotten while in pursuit of amorous pleasure, and known as *hita*;
- (5) child who is disobedient to the parents and behaves like an enemy and known as *svāntta*;
- (6) destitute and hunger-stricken child fed and brought up in the family, and known as *chāḍḍhatta parattasā*.

The six classes of sons who are not entitled to inherit are— Kandaw.

- (1) son who was given away by the parents and was brought up by others;
- (2) son who was bought;
- (3) the wife leaves the husband and lives with another; after conception she returns to her first husband and gives birth to a child the child so born;
- (4) son begotten while in pursuit of amorous pleasure;
- (5) dog-son, i.e., one who is disobedient to the parents; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

The following six classes of sons are sons only in name:— Tejo.

- (1) son who was given away by his parents and was brought up by others;
- (2) son who was bought;
- (3) the wife goes and lives with another married man; after conception she returns to her husband and gives birth to a child the child so born;
- (4) son begotten while in pursuit of amorous pleasure;
- (5) dog-son, i.e., one who is disobedient to the parents; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

The six classes of sons who are not entitled to inherit are— Vanna-  
dhamma.

- (1) son who was given away absolutely;
- (2) son who was bought;
- (3) son obtained by the wife's adultery;
- (4) son begotten while in pursuit of amorous pleasure;
- (5) son casually begotten, or one who is disobedient to the parents; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

Rāsi.

The six classes of sons who are not entitled to inherit are—

- (1) son who was given away by his parents and was brought up by others, and known as *dinnaka* ;
- (2) son who was bought, and known as *sahoddha* or *sahoddhara* ;
- (3) the wife lives with another married man, after conception she returns to her husband and gives birth to a child: the child so born, and known as *punānubbhāti* or *punānubbhava* ;
- (4) son begotten while in pursuit of amorous pleasure, and known as *kilita* ;
- (5) son of a union contracted against the will of the parents, and known as *svānutta* , and
- (6) destitute and hunger-stricken child fed and brought up in the family, and known as *chātubhatta*

Vinicchaya. The following six classes of sons are not entitled to inherit, namely:—

- (1) son who was given away absolutely, or according to another rendering, one casually received into the family ;
- (2) son who was bought ;
- (3) bastard son ;
- (4) son obtained by the wife's adultery ,
- (5) dog-son, *i.e.*, one who has been expelled from the family on account of disobedience, and
- (6) destitute and hunger-stricken child fed and brought up in the family.

Manu-  
vaṇṇanā.

There are six classes of sons, namely—(1) *dinnaka*, (2) *sahoddha*, (3) *punānubbhara*, (4) *kilita*, (5) *svānutta*, and (6) *chātubhattika*.

According to some translators the above six classes are not entitled to inherit, but according to some others they may inherit in the absence of other heirs.

Pakāsaṇi.

[Substantially the same as Vinicchaya.]

Manu.

The six classes of sons who are not entitled to inherit are—

- (1) son who was given away ;
- (2) son who was bought ,
- (3) son obtained by the wife's adultery ;
- (4) son begotten while in pursuit of amorous pleasure ;
- (5) son of a widow by a man to whom she is not formally married ; and
- (6) destitute child who is dependent on the adoptive parents.

[Substantially the same as Tejo ;

Kungya-  
linga.  
Warulinga.

The six classes of sons who are not entitled to inherit are—

- (1) son who was given away ;
- (2) son who resides in a distant place ;
- (3) son who was bought ;
- (4) son who is disobedient to the parents ;
- (5) destitute and hunger-stricken child fed and brought up in the family ; and
- (6) son obtained by the wife's adultery.

The six classes of sons who are not entitled to inherit are—

Dhamma-  
sāra.

- (1) son who was given away ,
- (2) son who was bought .
- (3) son begotten while in pursuit of amorous pleasure ;
- (4) son who is disowned by the parents for disobedience ;
- (5) son obtained by the wife's adultery ; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

The six classes of children who are not entitled to inherit are— Amwebôn.

- (1) children who were given away to be adopted ;
- (2) children who were bought ;
- (3) the wife separates from her husband and lives with another married man ; after conception she returns to her husband and gives birth to a child : the child so born ;
- (4) children begotten while in pursuit of amorous pleasure ;
- (5) children who are disobedient to their parents ; and
- (6) destitute and hunger-stricken children fed and brought up in the family.

The six classes of sons who are not entitled to inherit are—

Cittara.

- (1) son who was given away ;
- (2) son who was bought ;
- (3) son obtained by the wife's adultery ;
- (4) son begotten while in pursuit of amorous pleasure ;
- (5) son who is disobedient to the parents ; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

## SECTION 18.

## THE TWELVE CLASSES OF SONS.

Mano.

There are twelve classes of sons, namely:—

- (1) son born in formal wedlock, and known as *orasa* ;
- (2) son by a concubine, and known as *hetthima* ;
- (3) son by a female slave, and known as *khettaja* ;
- (4) son of either husband or wife by a former marriage, and known as *kittima* ;
- (5) son obtained from a flower, and known as *pupphaka* ;
- (6) foundling known as *apatittha* ;
- (7) pupil adopted as a son by the teacher .
- (8) son obtained by the wife's adultery ;
- (9) son begotten while in pursuit of amorous pleasure .
- (10) dog-son, *i.e.*, one who is self-willed and disobedient to the parents ;
- (11) destitute and hunger-stricken child fed and brought up in the family ; and
- (12) son brought up by others.

The first six classes of sons are entitled to inherit the property of their parents. The latter six are sons merely in name ; they cannot inherit the property of their parents, but may obtain only what is given them, as they do not work together with the parents.

If the parents of the above twelve classes of sons have masters, the sons have no right to the property of their parents which is owned by the masters. The child to whom any of the property is given by the masters becomes the owner of it

Ditto.

Of the twelve classes of sons, those known as *pussakāli* are not entitled to any inheritance. They may retain what is given them according to their deserts by those entitled to inherit.

Pyu.

The twelve classes of sons are the following :—

- (1) son born in formal wedlock and loved by the parents, and one who promotes their interests ;
- (2) son obtained by the wife's adultery ;
- (3) son of a couple not given in marriage by their parents ;
- (4) offspring of a voluntary but casual union ;
- (5) son born before the expiry of ten months from the date of marriage ;
- (6) son born of a woman while she was out of the protection of her parents, having been expelled by them ;

- (7) son born without a recognized husband ;
- (8) son casually conceived before, but born after, formal marriage ;
- (9) son of a woman who was bought and taken to wife ;
- (10) son born of the wife who was expelled from the house by the husband, but was subsequently readmitted ;
- (11) son of a woman who was expelled by her parents for reprehensible conduct ; and
- (12) son of a Brahman father but not of a Brahmani mother.

Of these twelve classes of sons, only the *prasa* is entitled to inherit, the rest obtain only such property as is actually in their possession, or that which is given by their relatives through compassion.

The twelve classes of sons are —

Kangza.

- (1) son born in formal wedlock
- (2) son by a female slave
- (3) son by a concubine ;
- (4) son of the husband or the wife by a former marriage ;
- (5) son adopted publicly ,
- (6) child casually adopted and brought up in the family of the adoptive parents, being abandoned by its natural parents ,
- (7) son who was given away by his parents and was brought up by others ;
- (8) son who was bought ;
- (9) the wife goes to live with another man, but returns to the husband after conception, and gives birth to a child the child so conceived and born ;
- (10) son begotten while in pursuit of amorous pleasure ;
- (11) dog-son, *i.e.*, one who is disobedient to the parents ; and
- (12) destitute and hunger-stricken child fed and brought up in the family.

The first six classes of sons are entitled to inherit ; the latter six are but sons nominally and they cannot inherit their parents' property. They obtain only such property as is actually delivered into their possession by their parents.

If the parents of these twelve classes of children have masters, they (the masters) have the right to dispose of the parents' property. The child to whom any of the property is given by the masters becomes the owner of it.

Dhamma-  
thatkyaw.

The twelve classes of sons are—

- |                        |                         |
|------------------------|-------------------------|
| (1) <i>Orasa.</i>      | (7) <i>Antevāsika.</i>  |
| (2) <i>Hetthima.</i>   | (8) <i>Aññaputta.</i>   |
| (3) <i>Gomakhetta.</i> | (9) <i>Sadisa.</i>      |
| (4) <i>Paraputta.</i>  | (10) <i>Dubbicca.</i>   |
| (5) <i>Pupphaka.</i>   | (11) <i>Dubbhikkha.</i> |
| (6) <i>Apativāta.</i>  | (12) <i>Paravuddha.</i> |

.Ditto.

The twelve classes of sons are—

- (1) son born in formal wedlock, and known as *orasa* ;
- (2) son by a concubine, and known as *hetthima* ;
- (3) son by a female slave, and known as *gomakhetta* ;
- (4) adopted son known as *paraputta* ;
- (5) son obtained from a flower, and known as *pupphaka* ;
- (6) foundling known as *apativāta* ;
- (7) pupil adopted as a son by the teacher, and known as *sissaka* ;
- (8) son obtained by the wife's adultery, and known as *añña-putta* ;
- (9) son born of a casual union, and known as *sadisa* ;
- (10) son who is disobedient to the parents, and known as *dubbicca* ;
- (11) destitute and hunger-stricken child fed and brought up in the family, and known as *dubbhikkha* ; and
- (12) son who has been brought up by others and has lost all affection for his own parents, and known as *paravuddha*.

The above enumeration is simply to show the different classes of sons. All are not entitled to inherit.

Ditto.

Only the *orasa*, the *hetthima*, *i.e.*, son by a concubine, and the *gomakhetta*, *i.e.*, son by a slave woman, may inherit according to their deserts : the rest obtain only what is actually delivered into their possession.

Manugyè.

O great king ! There are six classes of children who are entitled, and six other classes who are not entitled, to inherit.

The former six are—

- (1) children born in formal wedlock ,
- (2) children obtained by a slave who has been taken to wife publicly and accorded the status of a wife befitting her position ;
- (3) children by a concubine who does not " eat out of the same dish " with the husband ;
- (4) children of the husband or the wife by a former marriage ;
- (5) children publicly adopted ; and

- (6) children casually adopted, whether their parents are known or not.

The latter six are—

- (1) children who were given away and were brought up by others ;
- (2) children who were bought ;
- (3) children obtained by the wife's adultery
- (4) child begotten while in pursuit of amorous pleasure ;
- (5) children who are disobedient to their parents , and
- (6) destitute beggar-child brought up in the family

If the parents of the twelve classes of sons have masters, their *Kandaw*. children have no right to their property ; the masters have the right to dispose of it as they please. The child to whom any of the property is given by the masters, becomes the owner thereof.

There are twelve classes of sons, six of whom are entitled, and *Tejo*. the other six are not entitled, to inherit.

The former are—

- (1) son born in formal wedlock ;
- (2) son by a female slave .
- (3) son by a concubine ;
- (4) son of either husband or wife by a former marriage ;
- (5) son adopted publicly ; and
- (6) son adopted casually.

The latter six are—

- (1) son who was given away and was brought up by others ;
- (2) son who was bought ;
- (3) the wife goes and lives with another man ; after conception she returns to her husband and gives birth to a child : the child so conceived and born.
- (4) son begotten while in pursuit of amorous pleasure ;
- (5) dog-son, *i.e.*, one who is disobedient to the parents ; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

If the parents of the twelve classes of children have masters, they (the masters) have the absolute right of disposal of the parents' property. The child to whom any of the property is given by the masters becomes the owner of it.

There are twelve classes of sons of whom six are, and six are not, *Vanna-dhamma*, entitled to inherit.

The former six are—

- (1) son born in formal wedlock ;
- (2) son by a concubine ;
- (3) son by a female slave ;
- (4) son of the husband or the wife by a former marriage ;
- (5) son adopted publicly , and
- (6) son adopted casually.

The latter six are—

- (1) son who was given away ;
- (2) son who was bought ;
- (3) son obtained by the wife's adultery ;
- (4) son begotten while in pursuit of amorous pleasure ,
- (5) son born of a casual union ; or a son who is disobedient to the parents ; and
- (6) destitute and hunger-stricken child fed and brought up in the family.

If the parents as well as the twelve classes of children are slaves, there can be no division of inheritance, as the masters have the right of disposal of it. The children may hold possession of what is given to them severally by the masters.

Vannanā.

There are sixteen classes of sons, of which twelve are the following :—

- (1) son born in formal wedlock ;
- (2) son obtained by the wife's adultery ,
- (3) son of a couple not given in marriage by the parents ;
- (4) offspring of a voluntary but casual union ,
- (5) son born before the expiry of ten months from the date of marriage :
- (6) son born of a woman while she was out of the protection of her parents, having been expelled by them ;
- (7) son of a woman without a husband ;
- (8) child conceived supernaturally ;
- (9) son of a woman taken to wife after payment of her *lobo* ;
- (10) son born of a wife who was expelled from the house by her husband but was subsequently readmitted.
- (11) son of a woman who was expelled from the family for misbehaviour ; and
- (12) son of a Brahman father but not of a Brahmani mother.

Of the abovementioned classes of sons, only the son born in formal wedlock is entitled to inherit. The rest do not get anything even when given by the mother, if the father does not approve of the gift. Even if anything is given them by the father, they can

get it only when there is actual delivery of possession. They can also get what is given them by their relatives through compassion.

There are twelve classes of children, some of whom can, while *Vinkahaya*, others cannot, inherit the property of their parents.

The different classes of sons are the following :—

Manu-  
vaṅṇā.

- |                       |                            |
|-----------------------|----------------------------|
| (1) <i>Orasa.</i>     | (7) <i>Dirnaka.</i>        |
| (2) <i>Khetṭaja.</i>  | (8) <i>Sahoddhaka.</i>     |
| (3) <i>Heṭṭhaja.</i>  | (9) <i>Piṇḍanubbhava.</i>  |
| (4) <i>Pubbaka.</i>   | (10) <i>Kelita.</i>        |
| (5) <i>Kittima.</i>   | (11) <i>Svānutta.</i>      |
| (6) <i>Apatittha.</i> | (12) <i>Chātābhattika.</i> |

The former six classes of sons are entitled to inherit. According to some translators the latter six classes are sons merely in name and are not entitled to inherit but according to some others they may inherit in the absence of other heirs.

The former six classes of sons are entitled to inherit. The latter *Ditto*. six can obtain only what is given to them and is held by them in actual possession.

The following are the twelve classes of sons, namely :—

Sōda.

- (1) son born of a union sanctioned by parental authority ;
- (2) son begotten by another man with the husband's consent given because of his illness or impotency ;
- (3) son who was given away by his parents to be adopted by others ;
- (4) son adopted owing to his likeness to one of the children of the adoptive parents ;
- (5) son whose paternity is doubtful ;
- (6) son adopted, having been expelled from the family by his own parents ;
- (7) son born of a young woman without a husband, while living in her parents' house ;
- (8) son of a union where the wife was *enceinte* before the marriage, but which fact was concealed at the time of marriage ;
- (9) son who was bought and adopted ;
- (10) son of a wife who was expelled from the house by her husband, but was subsequently readmitted ;
- (11) an orphan who was early bereft of his or her parents ;  
and
- (12) son adopted by a Brahmani wife with her husband's consent.

ΠΑΝΑΜ.

If the twelve classes of sons are the offspring of slaves, their inheritance belongs to the masters of their parents. Only the son to whom any of the property is given by the masters can become the owner thereof.

ΚΥΑΝΝΕΤ.

There are twelve classes of sons, of whom six are called *dâyāda-bandhava*, i.e., sons entitled to inherit; and the other six are called *sahārabandhava*, i.e., sons who may be regarded as mere relatives.

The former are the following:—

- (1) son born in lawful wedlock, and known as *orasa*;
- (2) son begotten by another man (with the husband's consent), and known as *khettaraja*;
- (3) son given away by the parents to be adopted through love for those who adopt; such a son is known as *radasukri* or *akammaka*;
- (4) son adopted through affection, and known as *parakiriya* or *kittima*;
- (5) son of doubtful paternity, being born before the expiry of ten months from the date of marriage, and known as *mutthala*; and
- (6) when the wife is expelled from home by the husband while she is *enceinte*, the son born of her and adopted by another person, and known as *ābharanabandhava*.

The latter six are—

- (1) son born of a woman who has no recognized husband, and known as *kāran*;
- (2) son conceived before, but born after marriage, and known as *sahota*;
- (3) son who was bought and adopted, and known as *dinaka*;
- (4) the husband expels the wife while *enceinte* and subsequently takes her back into the house where the wife gives birth to a son: the son so born and known as *punābbhava*;
- (5) son born of a woman expelled from the family by her parents for becoming *enceinte* without being married, and known as *andhaka*; and
- (6) son of a Brahman by a wife not belonging to the Brahman caste, and known as *khasavaja*.

ΔΙΤΟ.

There are twelve classes of sons, namely:—

- (1) son born in lawful wedlock, and known as *orasa*;
- (2) son begotten by another man with the husband's consent, owing to the husband's impotency due to illness or to his being a hermaphrodite, and known as *khettaraja*;

- (3) adopted son given away by his own parents through affection for the adoptive parents, and known as *kṛitima* ;
- (4) son adopted owing to his likeness to one of the children of the adoptive parents, and known as *kṛittima* ,
- (5) son of doubtful paternity, and known as *pasankāra* ;
- (6) son born of a woman who has been expelled from the family by the parents, and known as *hīnirīti* ,
- (7) son born in the house of the husband, but conceived while the husband and wife are still living in the house of their respective parents such a son is known as *punabbhava* ,
- (8) son born of a young woman who has been expelled from home without cause by her parents, and known as *soyutta* ,
- (9) son of a Brahman by a wife not belonging to the Brahman caste, and known as *vasava* ,
- (10) son of a young woman born at her parents' house without her being given in marriage by them, and known as *kāriya* ,
- (11) son of a woman already *enceinte* before her marriage with a man who marries her with or without knowledge of her condition : such a son is known as *sahota* ;
- (12) son who has been bought from his natural parents, and known as *krinka*

The first six are known as *dāyādabandhava*, and the latter six as *sahārabanāhava*. Of the above twelve classes of sons only the *orasa* is entitled to inherit : the rest get what is given to them by the parents through compassion. If the father is silent as to the division, the same principle should be adhered to.

In the commentary on the Piṭakat there is this precedent :—the Kyannet. father is a king of Benares, the mother is a slave, and the son is an embryo Buddha who succeeds to the throne on the death of the king.

The son obtained by the wife's adultery is not entitled to inherit. Ditto. One's own son is entitled to inherit, but the son begotten by another man is not so entitled.

#### SECTION 19.

##### THE SIXTEEN CLASSES OF SONS.

There are sixteen classes of sons, namely :—

Mānussika.

- (1) son of a couple who love each other, and whose parents approve of the union ;

- (2) son of a couple where only the parents of the young woman approve of the union ;
- (3) son of a couple where only the parents of the young man approve of the union ;
- (4) son of a couple where the parents of both parties disapprove of the union, but were obliged to give their consent owing to the constancy of the young man and young woman ;
- (5) offspring of a union where the young woman does not love the young man ;
- (6) offspring of a union where the young man does not love the young woman ;
- (7) *khattara* son, being the offspring of a union known as *āvāha* ;
- (8) *atraja* son, being the offspring of a union known as *vivāha* ;
- (9) *kariti* son, being the offspring of a union known as *brahmā* ;
- (10) *pubbaka* son, being the offspring of a union known as *dadeyya* ;
- (11) *apatica* son, being the offspring of a union known as *kāriya* ;
- (12) *tenila* son, being the offspring of a union known as *paññāta* ;
- (13) *sahota* son, being the offspring of a union known as *asuta* ;
- (14) *krittita* son, being the offspring of a union known as *gandhabba* ;
- (15) *punānubhava* son, being the offspring of a union known as *appāhita* ; and
- (16) *svānutta* son, being the offspring of a union known as *seyyaca*.

PYU.

[NOTE :—Of the sixteen classes of sons enumerated here, twelve are the same as those given under the same Dhammathat in section 18 ; and the rule applicable to them is also the same as that mentioned there.] The remaining four are the following :—

- (1) son by a lesser wife ;
- (2) son born of a woman taken to wife by a man during his short sojourn in any place but his permanent abode ;
- (3) son adopted, being given away by his natural parents ; and
- (4) a pupil regarded as a son by the teacher.

The abovementioned four classes of sons get only what is given them by their father.

The sixteen classes of sons are—

Vilāsa.

- (1) the *orasa*, son born of a union contracted with parental consent ;
- (2) the *khettura*, son obtained by the wife's adultery ;
- (3) the *vinivāsukim*, son born of a casual union ;
- (4) the *paravisukim*, son born of a voluntary but an informal union ;
- (5) the *mutthala*, son born before the expiry of ten months from the date of marriage ;
- (6) the *maggaṭṭhava*, son born away from the parental home, the mother having been expelled from the family ,
- (7) the *kāraṇī*, son born of a woman without a recognized husband ,
- (8) the *sahattaka*, son who was conceived supernaturally ;
- (9) the *karibhatta*, son born of a woman bought and taken to wife ;
- (10) the *dhanubbhava*, son born of a wife who was expelled by her husband, but was subsequently readmitted after becoming *euccinte* ;
- (11) the *svāyata*, son born of a woman expelled by her parents and relatives for misbehaviour ;
- (12) the *pasotta*, son of a Brahman by a wife who is not of the Brahman caste ;
- (13) the *vattara*, son born of a woman to whom the status of a wife is not accorded ;
- (14) the *pamutta*, son born of a woman taken to wife by a man only during his short sojourn in any place other than his permanent abode ;
- (15) the *dinnaka*, son who is adopted, being abandoned by his own parents ; and
- (16) the *antevāsika*, pupil adopted as a son by the teacher.

Of the above, only the *orasa* son is entitled to inherit. The rest do not get anything, even when given by the mother, if the father does not approve of the gift. Even if anything is given them by the father, they may retain possession of it only when there has been actual delivery. They also get what is given them by the relatives through compassion. The sixteen classes of sons enumerated above are also mentioned in the Piṭakat.

Dhamma-  
thatkyaw.

Dhammavilāsa divides sons into those who are entitled to inherit, those entitled to retain possession of what is given them and delivered into their hands, and those not entitled to inherit, and enumerates the following classes of sons, namely :—

- |                         |                          |
|-------------------------|--------------------------|
| (1) <i>Orasa.</i>       | (9) <i>Karibhatā.</i>    |
| (2) <i>Khattara.</i>    | (10) <i>Navappa.</i>     |
| (3) <i>Vinivāsukim.</i> | (11) <i>Dhanubbhava.</i> |
| (4) <i>Paravisukim.</i> | (12) <i>Pasuma.</i>      |
| (5) <i>Mutthala.</i>    | (13) <i>Aññatra.</i>     |
| (6) <i>Avaṭṭha.</i>     | (14) <i>Dūratha.</i>     |
| (7) <i>Kāraṇī.</i>      | (15) <i>Ukkhitta.</i>    |
| (8) <i>Sahatta.</i>     | (16) <i>Sissaka.</i>     |

Ditto.

[The sixteen classes of sons enumerated here are the same as those enumerated in Vilāsa.]

Ditto.

Of the sons, the *orasa*, the *hetthima* or son by a concubine, and the *gomakhetta* or son by a slave woman, are entitled to inherit according to their deserts. The rest obtain only what is given them and delivered into their possession.

Dhamma.

The sixteen classes of sons are—

- (1) son born of a union sanctioned by parental authority, and known as *orasa* ;
- (2) son obtained by the wife's adultery, and known as *khet-tara* ;
- (3) son born of an informal union, and known as *vinivāsukim* ;
- (4) son born of a union where the parties to it have mutual affection, but where it was effected without marriage, and known as *paravisukim* ;
- (5) son born before the expiry of ten months from the date of marriage, and known as *mutthala* ;
- (6) son born of a woman while away from the parental home, being expelled from the family, and known as *maggavāṭṭha* ;
- (7) son born of a woman without a recognized husband, and known as *kāraṇī* ;
- (8) son conceived supernaturally, and known as *sahatta* ;
- (9) son born of a woman who was bought and taken to wife, she being *enceinte* at the time : such a son is known as *karibhatta* ;
- (10) son born of a woman who was expelled by her husband, but was subsequently readmitted : such a son is known as *dhanubbhava* ;

- (11) son born of a woman expelled by her parents for misconduct, and known as *svâyata* ; and
- (12) son of a Brahman by a wife not belonging to the Brahman caste, and known as *pasotta*.

Of the above twelve classes of sons only the *orasa* is entitled to inherit. The rest get only what has actually passed into their possession. They cannot claim possession of a gift made during the lifetime of their parents if there has been no actual delivery.

The four other classes of sons mentioned in the Pitakat are—

- (1) son born of a woman to whom the status of a wife is not accorded, and known as *vattara* ;
- (2) son born of a woman taken to wife by a man only during his short sojourn in any place other than his permanent abode such a son is known as *pamutta* ;
- (3) son casually adopted, being cast away by his natural parents, and known as *dinnaka* ; and
- (4) pupil adopted as a son by his teacher, and known as *antevāsika*.

In cases where it is stated that certain classes of sons shall not inherit, it is meant that they shall not inherit when there are rightful heirs. But failing such heirs they may inherit.

[The same as Dhamma, but with this additional provision that a *Manugyè*. gift without delivery of possession made to any of the sons other than the *orasa* by either parent without the knowledge of the other is invalid.]

[Of the sixteen classes of sons enumerated under this Dhamma-Vannanā. that, twelve classes are the same as those enumerated under the same Dhammathat in section 18. The law as regards their right to inherit is also the same as that mentioned there.]

The additional four classes of sons are the following :—

- (1) son born of a woman to whom the status of a wife was not accorded ;
- (2) son born of a woman taken to wife by a man only during his short sojourn in any place but his permanent abode ;
- (3) son casually adopted, being cast away by his natural parents ; and
- (4) pupil adopted as a son by his teacher.

[Substantially the same as Vilāsa.]

Râst.

The sixteen classes of sons excepting the *orasa*, as described and *Ditta*. enumerated in the works of ancient authors, are seldom mentioned

in the Pitakat. But the Pitakat is boundless as the ocean, and search should be made in old writings of what is mentioned in the Dhammathat.

Manuvārṇa-  
nā. The sixteen classes of sons are—

- (1) the *orasa*, son born of a union contracted with parental consent ;
  - (2) the *vinivādsukim*, son born before marriage of a union contracted with parental consent ;
  - (3) the *khetṭaja*, son obtained by the wife's adultery ;
- NOTE.—Some translators render *khetṭaja* as the son of a slave-wife ; but in view of the meaning the word conveys here, such rendering is incorrect.
- (4) the *paravīsukim*, son born of a union contracted without parental consent ;
  - (5) the *maggamatthava*, son born of a woman while she is away from home, having been expelled by her family ;
  - (6) the *mutṭhala*, son born before the expiry of ten months from the date of marriage ;
  - (7) the *kūranī*, son of a woman who has no recognized husband ;
  - (8) the *sahattaka*, son born of a woman without a husband (here meaning supernatural conception) ;
  - (9) the *karibhatta*, son born of a purchased slave ;
  - (10) the *dhanubbhava*, son born of a woman who was expelled from the house by her husband, but was subsequently readmitted, after becoming *enceinte* while out of his protection ;
  - (11) the *svāvata*, son born of a woman expelled from the family by her parents for misconduct ;
  - (12) the *pasotta*, son of a Brahman father but not by a Brahmani mother ;
  - (13) the *vattara*, son born of a woman to whom the status of a wife is not accorded ;
  - (14) the *pamutta*, son born of a woman taken to wife by a man during his short sojourn in any place other than his permanent residence ;
  - (15) the *antevāsika*, pupil adopted as a son by his teacher ; and
  - (16) the *dinnaka*, son received from others or given away to others to be adopted.

Ditto. Though there are sixteen classes of sons, only the *orasa* is entitled to inherit : the rest get only such property as are placed in their hands by the father. A gift made by the mother is not valid. They can also obtain what is given them by the rightful heirs after the

death of the parents. If these sons have both parents living, the latter have complete control over the heritable property. Whatever is given by the parents to any son, becomes his property.

NOTE.—In the second paragraph of the Pāli text commencing with *hatthagatam va pitund, &c.*, the phrase *tesam satisa sāmika* is sometimes found instead of *satisa sāmika*, and some translators render the phrase as if the parents of these sons have masters. As the chapter is on inheritance and not on slavery, the rendering of the word *sāmika* as masters is, in the opinion of the writer, inapposite. The writer considers that the phrase intends merely to convey that while both parents are still alive and living together, the children cannot claim inheritance, and they are not entitled to anything more than what is given them and placed in their hands. The word *sāmika* does not only mean a master; it also means a husband, the parents (if in the plural form), and anyone who has control over anything.

[The same as Pvu.]

Sōda.

[The same as Manugyè.]

Amwebō.

[Substantially the same as the extract from Rāsi except that *Citara*, instead of the *svadyata*, i.e., son born of a woman expelled from the family for misbehaviour, the *khettaja*, i.e., son born by a slave wife is included.]

[Substantially the same as Pvu.]

Kyayō

## SECTION 20.

### THE TWENTY CLASSES OF CHILDREN.

[Of the twenty-four classes of sons mentioned under this Pvu. Dhammathat the first twelve are the same as those mentioned under the same Dhammathat in section 18.]

The remaining twelve classes of sons are—

- (1) son born in formal wedlock;
- (2) son begotten by another man with the husband's consent given because of his illness or impotency;
- (3) son given away by his parents to be adopted by others;
- (4) son adopted owing to his likeness to one of the children of the adoptive parents;
- (5) son whose paternity is doubtful;
- (6) son adopted, having been expelled by his own parents;
- (7) son born of a young woman without a husband while living in her parents' house;
- (8) son of a union where the wife was *enceinte* before marriage, but which fact was concealed at the time of marriage;
- (9) son who was bought and adopted;
- (10) son born of a wife who was expelled from the house by her husband, but was subsequently readmitted;

- (11) an orphan who early lost his or her parents; and  
 (12) son adopted by a Brahmani wife with her husband's approval.

**NOTE.**—The translation of the Vinicchayapakāsaṃ mentions that there are twenty classes of sons, but they are not enumerated. The same remark applies to a number of other Dhammathats. Twenty-four classes of sons are enumerated in the Pyu, but as the *orasa* son, son obtained by the wife's adultery, son born without a husband, and the son of a woman born on her return to the husband after being expelled from the house by him, are mentioned twice over, there are really only twenty different classes of sons.

**Vinichaya.** It is said in some Dhammathats that there are twenty classes of sons.

## SECTION 21.

### EXCLUSION OF DISOBEDIENT CHILDREN FROM INHERITANCE.

**Mano.** A son who disobeys the admonitions of his parents shall not inherit. His father shall obtain his share of the inheritance.

**Mānussika.** Sons should not subvert whatever the parents have established; whoever does so shall not inherit, but shall be liable to punishment.

**Kaingza.** A son who disobeys the admonitions of his parents shall not inherit. His parents shall obtain his share of the inheritance.

**Myingun.** When there is partition of inheritance among sons of the same parents, the following sons shall receive less than the others, namely:—a son of reprehensible character who renders no assistance in the acquisition of the family property; a disobedient son; a hermaphrodite; and a son on whose account compensation has to be paid frequently for unguarded speech.

**Managya.** Children who defy the authority of the parents and act contrary to their wishes, or who use abusive language to their parents and lift their hands against them shall not inherit. Any property which has been given to such children may be recovered and retained for good by the parents.

**Kandaw.** It is stated in all the Dhammathats that a son who disobeys the admonitions of the parents shall not inherit. His share of the inheritance shall be permanently retained by the parents.

In former days a family of the *Sotthiya* caste, whose members were very virtuous, disinherited and expelled a son for his bad conduct and habits, notwithstanding the fact that he was an only son.

**Tajo.** [The same as Kaingza.]

**Vappa-dhamma.** [The same as Kaingza.]

The following sons shall receive the lesser share in the inheritance, namely :—a hermaphrodite ; a disobedient son ; a vagrant son ; and a son on whose account compensation has to be paid frequently. Manuyn.

A disobedient and disrespectful son shall not inherit. He Rāsi. shall be expelled from the family after making him surrender what has already been given him.

A son who disobeys the admonitions of his parents shall not inherit. His parents have the right to retain his share of the inheritance. The meaning of the last foregoing sentence is that, if such a son demands, on the death of either parent, his share of the inheritance from the surviving parent, he shall not get it. Manu  
vāṇṇā.

The following children shall have their shares in the inheritance lessened, namely .—a child who disobeys the admonitions of the parents ; a child on whose account compensation has to be paid frequently ; a child who is a hermaphrodite ; and the eldest child who fails in filial duty. Vicchedant.

[ Substantially the same as Kaingza.]

Pāpam.

A rich man (*sethi*) had a son who had no regard for the Three Gems. When the rich man was about to die he gave all his property to one who venerated the Three Gems. The son went to law and claimed his father's property, but it was decided that it should be retained by the person to whom it was given by the deceased. Rescript.

Inheritance can be obtained only by one who abides by the admonitions of the parents and behaves in such a manner as to entitle him or her to inherit. Among the five kinds of duties which children are bound to observe towards their parents, behaving in such a manner as to entitle them to inherit is one. Only those who behave accordingly are entitled to inherit.

Children who disobey the admonitions of their parents shall not inherit, as they disregard the traditions of the family. So says Dāyaji.  
Manu the teacher.

Children who disregard parental authority and who act contrary to the wishes of their parents, or children who use abusive language to their parents and lift their hands against them shall not inherit. Any property which has been given to such children may be recovered and retained for good by the parents. If they take possession of any property without their parents' knowledge they shall be punished. In saying that they shall be punished, it is meant that they shall be either ~~criminally~~ punished or expelled from the family and. Amwabōn.

made to go elsewhere, after recovering the property taken by them, and not that they shall be compelled to restore more than what they have taken.

**Kyannet.** A co-heir who has been expelled from the family shall not enjoy an equal share of the inheritance with the others.

## SECTION 22.

### PUNISHMENT OF DISRESPECTFUL CHILDREN.

**Mano.** Should a daughter behave disrespectfully towards her parents, a dog shall be set at her to bite her. Should a son behave disrespectfully, he shall be kept in the sun.

**NOTE.**—The spirit of the above rule is that chastisement of disrespectful children shall be carried out with love in the manner described above.

**Kalingya.** [The same as Mano.]

**Kandaw.** [Substantially the same as Mano.]

**Vappa-dhamma.** [The same as Mano.]

## SECTION 23.

### RIGHT TO SELL CHILDREN WHEN THE PARENTS ARE IN POVERTY.

**Pya.** Should children in easy circumstances fail to support their parents who have become poor, the parents have the right to sell them.

**Ditto.** Should the parents become poor they have the right to sell their children.

**Vappa-dhamma.** If the parents recover the property given to their children, they shall not sell them (the children); but should they fail to recover the property they have the right to sell them because of the debt of gratitude which children owe to parents.

**Sinda.** [The same as the first extract from Pyu.]

**Ditto.** [The same as the second extract from Pyu.]

**Papah.** Should children who are in comfortable circumstances fail to support their parents who have become poor, the parents have the right to get their (children's) *koba*.

## SECTION 24.

### RIGHT TO RESUME PROPERTY WHEN THE PARENTS ARE IN POVERTY.

**Mano.** The parents have the right, when they become poor, to resume property which have, during their lifetime, passed into the hands of their children, and which are still in their possession.

Parents have the right, when in poverty, to resume property *Manusika* already given away to their children.

Should the parents become poor, they have the right to resume *Pyu* any property given by them to their children if such property is still in the latter's possession. If it is exhausted no restitution shall be claimed.

[Substantially the same as *Pyu*.]

*Kaingza*.

Children shall obtain possession of property given them on the occasion of their marriage. When the parents are well-to-do they shall not resume any property given by them to their children who are living apart from them. But should they become poor, they may resume any property still in the hands of their children, but they shall not claim anything which has been used up or spent by the children. And why so? Because the parents have even the right to sell their children on their becoming poor, and as the parents do not sell them they have the right to resume the property given by them.

*Ditto*.

[Substantially the same as *P'yu*.]

*Myingua*.

Should parents become poor, they have the right to resume all the property given by them to their children.

*Kandaw*.

[The same as the first extract from *Kaingza*.]

*Tojo*.

[Substantially the same as the first extract from *Kaingza*.]

*Va u u a ,  
dhamma*.

Should parents become poor, they have the right to resume the property delivered into the hands of their children. If they enjoy affluence they shall not resume the property so given.

*Ditto*.

Should the parents become poor while their children grow rich, the former have the right to resume any property given by them to the latter; but should the property be used up they cannot claim restitution.

*Rat*.

[Substantially the same as the first extract from *Kaingza*.]

*M a n a ,  
vappan*.

[The same as *P'yu*.]

*Stada*.

[Substantially the same as the first extract from *Kaingza*.]

*Mann*.

# SECTION 25.

## RIGHT TO ENFORCE PAYMENT OF *KOBO* AND TO CONFISCATE THE PROPERTY OF CHILDREN ON THEIR FAILURE TO SUPPORT THEIR PARENTS.

If the children, notwithstanding their being in affluence, fail to support their parents, the king should demand their *kobo* and give it to the parents.

If a son fails to support his parents and perform other filial duties, he shall not inherit.

- Myingun.** If the children, who have grown rich, fail to support their parents who, on the other hand, have become poor, the king, on complaint being made, should, after inquiry, cause the *kobo* of the children as assessed by the parents to be paid to them.
- Dhamma-thakya.** If a complaint is made to persons in authority, that children who have grown rich fail to support their parents who have become poor, an inquiry should be made, and, if it is found to be true, the *kobo* of the children should be demanded of them and given to the parents, and the children should be made to support their parents for life.
- Dhamma.** If the children discard their parents or fail to support them, the latter shall take all the property belonging to the former, who shall also undergo sixty lashes as a punishment. If the children promise to support their parents their property shall not be seized, but they shall not be exempted from the corporal punishment.
- Manugye.** If the children fail to support their parents or discard them and go elsewhere, the parents shall take all the property belonging to the children, who shall also be made to suffer six hundred lashes as a punishment.
- Tejo.** If the children fail to support their parents, all their property shall be seized and they shall be banished.
- Vappa-dhamma.** [Substantially the same as Tejo.]
- Vappanā.** If the children who are in affluence fail to support their parents who are in poverty, the king should demand of the children their *kobo* and give it to the parents.
- Rāsi.** [Substantially the same as Vannanā.]
- Manu-vappanā.** O great king! If the children are in affluence while their parents are in poverty, they should be made to support the parents. If they fail to do so, the king or his ministers should demand of them their *kobo* and give it to the parents.
- Pāpañ.** [Substantially the same as Tejo.]
- Dhamma-sā.** The parents make over all their property, both moveable and immoveable, and their business to their children who have come of age for them to carry on the business. In reciprocation of such kindness the children should support their parents for life. If they fail in such duty, the parents may resume their property with all such profits as might have accrued in the meanwhile.
- Citta.** If the children are in good circumstances owing to their having received property from their parents, they shall support their parents. If they fail to do so, the parents may resume their property.

If the children fail to support their parents, and treat them with Kyetso indifference, the king should demand of the children their *kobo* and give it to the parents.

# SECTION 26.

## LAW RELATING TO RESUMPTION OF PROPERTY, GIVEN IN THE LIFETIME OF BOTH PARENTS, ON THE DEATH OF EITHER.

Gifts of gold, silver, and slaves made during the lifetime of both Pyu. parents may be resumed by the surviving parent on the death of either. Why so? Because such gifts were made by both.

A gift made by both grandparents or both parents may be re- Yasathat. sumed during their lifetime; but on the death of either of the donors the gift cannot be resumed by the surviving donor; and if delivery has not been made, the donee shall obtain delivery of possession of the gift as it was originally made.

A gift, made to a daughter and son-in-law or to a son and daughter-in-law by both parents of the daughter or of the son (during their lifetime), shall not be resumed by the surviving parent on the death of either. D h a m m a thatkyaw.

If the parents reclaim the property given to their children, they Rāsl. shall not get it if the original property given has passed into the hands of a third party or has ceased to exist.

A gift made by both parents cannot be resumed by the surviving Ditto. parent on the death of either.

[The same as Pyu.]

Sōnda.

A gift (made by both parents) may afterwards be resumed by Mawu. the mother, provided the property given is still in the hands of the children to whom the gift was made. The original donees have a reversionary interest, to the exclusion of their co-heirs, in the property so resumed, if any of it has been left unexhausted by the mother.

A gift made with or without delivery of possession cannot be Kungyō linga. revoked by the surviving parent on the death of either

# SECTION 27.

## OBLIGATION OF CHILDREN EVEN TO SELL THEMSELVES AND SUPPORT THEIR PARENTS WHEN IN POVERTY, AND THEIR RIGHT TO INHERIT WHEN THE PARENTS ARE IN AFFLUENCE.

If parents become very poor and destitute, children who may have Mawu. grown rich should even sell themselves and support their parents.

**Kaingza.** If the parents have become poor and the children grown rich, the latter should even sell themselves to support the former. If parents are reduced in circumstances children can have nothing but poverty as their portion. When parents are in affluence, children inherit their estate.

**Kandaw.** If the parents are in poverty and their children are in affluence, the latter should, of their own accord, even sell themselves and support the former. The reason of the above rule is that as children enjoy benefits when their parents are in affluence, they should also bear every hardship when their parents are in adversity.

**Tejo.** [The same as Kaingza.]

**Vappa-dhamma.** If parents become poor they may resume any property given to their children provided such property is still in the latter's possession. If the parents and children who were in affluence are reduced subsequently to poverty, the children should even sell themselves and support their parents. Children should share the misfortunes of their parents just as they enjoy their share of their parents' good fortune.

**Rasi.** If parents become poor, they may resume any property given by them to, and is still in the possession of, their children. If parents are in poverty and their children in affluence, the latter should even sell themselves to support the former. Children should share in full measure their parents' adverse circumstances just as they enjoy to the full extent their prosperity.

**Anu-vappa.** [Substantially the same as Kaingza.]

**Manu.** [The same as Kaingza.]

**Cittara.** If children are in prosperous circumstances, they should support their parents.

## SECTION 28.

**RIGHT OF PARENTS TO INHERIT THEIR CHILDREN'S PROPERTY—OF THE HUSBAND HIS WIFE'S, OF THE MASTER HIS SLAVE'S.**

**Mano.** Parents may resume property given to a daughter who lives under the same roof with them. Because she lives in the house of the parents, the latter still retains control over her.

**Manika.** The husband has control over his wife's property, the parents over their children's, and the master over his slave's.

**Ra.** The rule that the master gets the property of his slaves on their death, applies only to those cases where the deceased are husband and wife and both are slaves.

[The same as Mānussika.]

Vāsa.

[The same as Mano.]

Kaingza.

The master has control over his slave's property, the parents over their children's, and the husband over his wife's, even over the property which the wife may have separately acquired by her own labour. She shall not give away such property to other persons without his knowledge because even her very person is owned by her husband.

On the death of an unmarried slave, either his master or the State has the right to his property.

Dhama-  
thatkyaw.

[The same as Mano.]

Tejo.

[Substantially the same as Mānussika.]

Vappanā.

[The same as Pyu.]

Sōda.

[Substantially the same as Mānussika.]

Cittara.

[Substantially the same as Mānussika.]

Kyeto.

If one or the other of a slave couple dies, the master gets the whole of their property.

Dito.

#### SECTION 29.

#### RESUMPTION OF PROPERTY APPROPRIATED BY DISINHERITED CHILDREN.

If a disobedient son appropriates any portion of his parents' property, he shall be punished like a thief. And why so? Because he has failed in his duty as a son.

Kainga.

If a child appropriates, without the parents' knowledge, any property belonging to them, whether much or little, he or she should be punished as a thief: this does not mean that the offender should be made to restore more than what was taken, but that the culprit should be punished criminally, after being made to return only what has been appropriated. Another interpretation is that the offender should be expelled from the family.

Mamgyā.

If a vagrant son appropriates any property, however small, of his parents, he should be awarded the punishment of a thief.

[The same as Kaingza.]

Vappanā-  
dhammā-  
Mamgyā-  
vāsa.

[The same as Kaingza.]

Pāṇan.

A son who appropriates his parents' property, however small the amount approximated may be, should be punished like a thief.

Cittara.

If a son who has been expelled from his family appropriates his parents' property, he should be made to restore what he took and be punished like a thief.

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## CHAPTER VI.

### PARTITION BETWEEN PARENTS AND THEIR OWN CHILDREN.

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#### SECTION 30.

#### PARTITION BETWEEN MOTHER AND SON ON THE DEATH OF THE FATHER.

Mano.

The first rule in the law of inheritance relates to partition between mother and son on the death of the father, and is as follows:—

If the son is one who is competent to assume the duties and responsibilities of his father, he shall in the first place obtain the following property used by his father, namely, the sedan-chair, elephant, and pony, the father's goblet bearer, betel-box bearer, and bearer of the official umbrella, wearing apparel, lands, and household furniture. Bullocks, buffaloes, goats, sheep, pigs, fowls, ducks, &c, shall be divided into four shares: the mother shall get three shares and the son one share. The sons shall not claim the belt, ear-rings, bracelets, anklets, finger-rings, ornaments, sedan-chair, and property given by the father (to the mother); all of which shall be taken by the mother. The remainder, such as gold, silver, iron, copper, pinch-beck, tin, paddy, rice, and sessamum shall be divided into four shares: the mother shall get three shares and the son one share.

The mother gets three shares, because while the property was being acquired the son was not yet born, and when acquired the mother is the only person to take care of it and prevent it from being wasted. As the son has already obtained his father's elephant, pony, bearers of the goblet, betel-box, and official umbrella, he shall get only one share.

The male slaves shall be divided into four shares: the mother shall get three shares and the son one share, because the mother brings up the son and has great love for him. As to female slaves the mother alone is entitled to them, although there may be ten sons.

The sons shall not get a share of the wearing apparel and ornaments given by the father to the mother.

The sons and grandsons shall not get the wearing apparel and *Mana* ornaments given by the father to the mother.

There are ten rules in the law of inheritance. One of them, *Manuśāstra* which is the rule of partition between mother and son on the death of the father, is as follows :—

If the son is dutiful and is well known to the local authorities, he should get the elephant, pony, sword, and drinking-cup used by his father, the ornaments worn by him and his lands held as an appanage of his office. The mother should get the rest of the property.

On the death of the father, the partition between mother and son *Pya* shall be as follows :—

If the eldest-born is a son who helps the parents in the acquisition of property, he shall get the elephant, pony, betel-box, and sword used by his father; the ornaments, head-dresses, and clothes worn by him; his lands, drinking cup, and copper pot; the son shall also have any property given him by both parents.

The mother shall get the belt, bracelets, hair-pins, ear-rings and such other articles as are used by women.

The remaining property, both animate and inanimate, shall be divided into four shares: the mother shall get three shares and the *orasa* son one share. The younger children shall be given small amounts to satisfy them. Why should the mother get three shares? Because, during the early days of her wedded life while family property was being acquired, the son was not yet born, and whatever was acquired by his father, the mother took care of and laid by. Hence, the mother shall get three shares, she being the principal agent in the acquisition of the family property. And as the son continues the family he shall get one share. Even if there are ten sons they shall get among them only one share (out of four). This is the rule of partition between mother and son.

On the death of the father, the mother shall get the (female) slaves *Ditto* obtained by their joint effort. Should there be female slaves only, some of them shall be given to the son. As regards male slaves, the mother shall get three shares and the son one share. Should there be even ten sons only one share shall be given them.

On the death of the father the rule of partition between mother *Vilasa* and son is as follows :—

If the son is the eldest-born and if he helps the parents in the acquisition of the family property, he shall get his father's elephant and pony, together with their keepers; the ~~ship~~ spear, tray, and

plates used by his father ; the clothes, ornaments, and belt worn by him ; the lands held as an appanage of his office ; the town or village, the usufruct of which he enjoyed, and the office held by him. The mother shall get her belt, finger-rings, bracelets, ear-rings, necklaces, combs, betel-box, stool, and personal ornaments given her during the father's lifetime. The remainder, such as gold, silver, bullocks, buffaloes, goats, pigs, fowls, ducks, clothes, paddy, rice, Indian-corn, peas, millets, barley, sessamum, cotton, and household furniture shall be divided into four shares. the mother shall get three shares and the son one share. Even if there are ten sons only one-fourth shall be given them.

**Vilasa.** Why should the eldest-born child get a (fourth) share? \* Because the parents obtained the child at the commencement of their wedded life by their earnest prayer, and acquired property with his or her assistance.

**Ditto.** On the death of the father, why should the mother get her wearing apparel and three-fourths of the remaining property such as gold, silver, bullocks, furniture, &c. ? Because it is the mother who takes care of, and accumulates the property acquired by the father, before the son was yet born, and before he could, during his minority, help in the acquisition. The reason why the eldest son gets the father's wearing apparel and one-fourth share in the remainder of the estate is because he succeeds to the father's office and continues the family.

**4.** Having had to bear the son, the mother has not the heart to impose work on him or to see him suffer privation, but cherishes him and brings him up most tenderly. The mother has greater affection for the son than the father, and therefore the son lies under deeper obligation to her; he therefore gets one share only. Thus says Rishi Manu.

**Warn.** O great king! On the death of the father his *orasa* son shall get his personal belongings ; his cups, swords, ornaments, and slaves ; his elephants, ponies, bullocks, and buffaloes. Of the remaining property the mother shall receive three-fourths.

**Kaṅgya.** Husband and wife own property equally, that is to say, the husband is entitled to half the property and so is the wife. On the death of either husband or wife, the survivor is entitled to half the share of the deceased. The other half is inherited by the children. In view of the above principle it is said that when the mother gets three shares out of four, the children shall get one share.

**Ditto.** The *orasa* son gets the father's office as well as his elephant and pony with their trappings ; also his armour, spear, and sword. These shall not be included in the one-fourth share.

Among the several modes of partition of inheritance, that between mother and son on the death of the father will be stated first. It is as follows:—

If the son is one who is competent to assume the responsibilities of the father, he shall, in the first place, get the sword used by his father; his personal belongings such as betel-box, pickled tea container, helmet, robe, and armour, his elephant and pony, and bearers of the goblet, betel-box, and official umbrella, his lands and household furniture. Bullocks, buffaloes, goats, sheep, pigs, fowls, ducks, &c., shall be divided into four shares: the mother shall get three shares and the son one share. None of the sons shall have any claim to the mother's belt, ear-ring, bracelets, anklets, and other ornaments given her during the father's lifetime. The remaining property such as gold, silver, iron, copper, brass, tin, lead, paddy, rice, and sessamum shall be divided into four shares: the mother shall get three shares and the son one share.

The reason why the mother gets three shares is that when the property was being acquired, the son was not yet born, and after he was born he could not (during his minority) do anything towards the retention of what was already acquired, even the father can merely acquire, but cannot prevent waste. It is the mother alone who takes care of the property. As the son has already obtained his father's office together with his elephant, pony, bearers of the goblet and betel-box, lands and household furniture, and as he continues the family, he gets one share. As regards male slaves, the mother shall get three shares and the son one share. And why so? Because, the mother brings the son up and has great affection for him. As to female slaves the mother alone is entitled, should there be even ten sons.

The wise have decided that the sons shall not get any share of the ornaments given by the father to the mother.

The mode of partition between mother and son on the death of the father is as follows:—

If the son is one who is competent to assume the father's responsibilities, and is known to the local authorities, he shall get his father's pony, drinking-cup, betel-box, sword, lands held as emoluments of office, lands worked by him, personal ornaments and wearing apparel, cups, trays, spoons and plates, spears large and small, armour, and such other articles worn by men only. Stored-up grain, bullocks, buffaloes, slaves, fowls, pigs, and utensils shall be divided into four shares: the mother shall get three shares and the son one share.

The sons shall have no claim to the following property given by the father to the mother, namely, belt, ear-rings, necklaces, combs, hair-pins, or other ornaments, and to her separate property; to all of which the mother alone is entitled.

Through love for the son, the mother took great precaution regarding her movements and diet from the time of conception to that of confinement, which in itself is attended with great danger; and before the son arrives at a mature age she treats him most affectionately and takes the greatest care that no harm, not even the pain caused by the sting of a gnat or bug, shall come to him. It is the nature of mankind for the father to simply love the son, but for the mother to love him and entertain the deepest concern for his personal safety and welfare. In the matter of acquisition of property it is the mother who, by the exercise of economy and frugality in food and dress, tries to save as much as she can so as to be able to leave as large a share as possible to each child for his or her benefit and welfare. For these reasons the mother shall, when the property is partitioned, get three shares out of four of the male slaves; she shall get all the female slaves. The same rule of partition shall be applied even if there are as many as ten sons.

**Myingun.** On the death of the father the slaves brought by him to the marriage shall be divided equally between the mother and son.

**Ditto.** On the death of the father, partition between mother and son, of the slaves bought out of the property acquired after the union of the parents, shall be as follows:—

The female slaves shall be taken by the mother; the male slaves shall be divided into three shares: the mother shall get two shares and the son one share. Should the mother have very many female slaves, she shall give the son a few of them. So says Manu. Even if there are ten sons they shall get among them only the one-third share (mentioned above).

**Dhamma-thakyan.** Of the seventeen rules of partition, that between mother and son on the death of the father is as follows:—

If the son is one who is dutiful, is known as such to the local authorities, looks after his parents, and works for the family estate, he shall get his father's pony and trappings, military uniform, arms (spears, swords, hatchet, and gong), wide-brimmed sun-hat, cups and spoons, personal attendants, lands held as emolument of office, badges, and insignia of office. Gold, silver, paddy, rice, bullocks, buffaloes, goats, pigs, lands, Indian-corn, peas, millets, and household property shall be divided into four shares: the mother shall get three shares and the son one share. The mother shall also get all the female slaves.

The reason for the above mode of partition is because the parents acquire the property before the son was born, and before he attained maturity. The father can merely acquire property, but he is not good at retaining it; it is the mother who saves and accumulates the acquired property.

Because the mother has greater affection than the father for the son, she is given a three-fourths share of the household property and male slaves. All the personal belongings and things exclusively used by the father are given to the son because he is to assume the duties and responsibilities of his father; the mother gets all the female slaves because they are woman's attendants. The *orasa* son is assigned his share as above because he is to assume the father's office, and he helps in the acquisition of property and works for the benefit of the estate.

On the father's demise, the eldest son is allowed to have a portion of the estate as he is to assume the duties and responsibilities of his father. Dhamma-thakya.

The slaves brought to the marriage by the father shall be divided equally between mother and son, on the death of the father. Ditta.

The rule of partition between mother and eldest son on the death of the father is, that the eldest son shall get all his father's personal belongings as well as the office held by him. The mother shall get all the female slaves. The rest of the property shall be divided into four shares: the eldest son shall get one share and the mother and younger children three shares. Dhamma.

O great king! The rule of partition between mother and son on the death of the father is as follows:— Maregya.

The son shall get his father's elephant, pony, cup, sword, wearing apparel, and bearers of the goblet and betel-box. The mother shall get her wearing apparel, cups, ornaments, and female slaves. The rest of the property shall be divided into four shares, and the mother and younger children shall take three shares. This is the rule of partition when the mother does not marry again. If the property is exhausted by the mother, nothing shall be said about it.

The rule of partition between mother and son on the death of the father is as follows:— Kandaw.

If the son is one who is competent to assume the responsibilities of his father, he shall get his father's betel-box, pickled tea container, arms, military overcoat, helmet, robes, cuirass, personal attend-

ants, such as bearers of the goblet, betel-box, and umbrella, insignia of office, lands, household property, elephant, and pony.

Bullocks, buffaloes, goats, pigs, fowls, and ducks shall be divided into four shares: the mother shall get three shares and the son one share. The mother shall get the belt, ear-rings, bracelets, anklets, and other ornaments if given her by the father during his lifetime; the sons shall have no claim to them. The rest of the property such as gold, silver, iron, copper, platinum, brass, tin, lead, paddy, rice, and sessamum shall be divided into four shares: the mother shall get three shares and the son one share.

The mother gets three shares because, when the property was being acquired the son was not yet born, and when he was born he could not (during his minority) help in the acquisition. Even the father can merely acquire property; he gives no thought to the saving of that which is acquired. It is the mother who performs the latter part of the work, and through her endeavours the property is accumulated. The son should be content with one share, having obtained his father's office and all his personal belongings.

As the mother has great affection for her son and brings him up with great care, she is therefore entitled to get three shares out of four of the male slaves and the son one share. The mother is entitled to all the female slaves, should there be even ten of them. The son shall not claim them.

  
Kandaw.

The sons should not claim partition of the wearing apparel and ornaments given by the father to the mother.

Tejo.

[The same as the first extract from Kaingza.]

Ditto.

[The same as the second extract from Kaingza.]

Vappa-  
dhamma.

Of the seven rules of partition, the first is that between mother and son on the death of the father, and is as follows:—

If the son is one who assumes the responsibilities of his father, he shall, in the first place, get the sword, elephant, and pony used by his father; his betel-box and goblet bearers, lands and household property, wearing apparel, and ornaments.

Bullocks, buffaloes, goats, sheep, pigs, and fowls shall be divided into four shares: the mother shall get three shares and the son one share. The mother shall get the following property given her during the father's lifetime, namely, belt, ear-rings, bracelets, anklets, and other ornaments; the sons have no claim to them. The rest of the property such as gold, silver, iron, copper, paddy, Indian-

corn, peas, cotton, and sessamum shall be divided into four shares: the mother shall get three shares and the son one share.

Because the son was not yet born when the property was being acquired, and the father is not skilful in saving property already acquired, the mother gets three shares. Because the son assumes the father's duties he gets one share. The son being under great obligation to the mother for being brought up carefully by her, the latter gets three shares out of four of the male slaves, and the former one share. The mother shall get all the female slaves, the sons having no claim to them, even if there are ten sons.

The rule of partition between mother and son on the death of *Vaṣṭanā*. the father is as follows :—

If the son is the *orasa* who helps the parents in the acquisition of the family property, he shall, in the first place, get his father's elephant and pony together with their keepers; his cups, sword, spear, and wearing apparel, and his office, and lands held as emolument of it. The mother shall get her belt, finger-rings, bracelets, earrings, betel-box, combs, necklaces, hair-pins, and ornaments worn by her during the father's lifetime, as well as all the female slaves. The rest of the property such as gold, silver, bullocks, buffaloes, goats, pigs, paddy, rice, clothes, ducks, fowls, household and other property animate and inanimate, shall be divided into four shares: the mother shall get three shares and the son one share.

The rule of partition between *orasa* son and mother on the death of the father is as follows :—

The son shall get his father's wearing apparel and ornaments, lands held as emolument of office, elephant and pony, cups, and military uniform. Gold, silver, paddy, bullocks, buffaloes, and slaves shall be divided into four shares: the son shall get one share and the mother three shares. The mother shall get all the wearing apparel and ornaments given her by the father, the son having no right to such property. The male slaves shall be divided between the mother and son in the proportion of three to one. The mother alone is entitled to get the female slaves, the son having no claim to them. The same rule holds good should there be even ten sons.

The law of partition of inheritance as laid down in the *Dhamma-vilāsa* Dhammathat is as follows :—

In the case of partition between mother and son on the death of the father, if the son is the eldest—born and helps the parents in the acquisition of property, he shall get his father's elephant and pony.

together with their keepers; his sword and spear, wearing apparel, belt, coat, tray, cup, and betel-box; and his land and hereditary office. The mother shall get her belt, finger-rings, bracelets, earrings, necklaces, combs, betel-box, jewellery and such other ornaments worn by her during the father's lifetime. The rest of the property such as gold, silver, bullocks, buffaloes, goats, pigs, fowls, ducks, clothes, paddy, rice, Indian-corn, peas, millets, barley, sesamum, cotton, and household property shall be divided into four shares: the mother shall get three shares and the son one share.

**Rist.**

During the early period of the wedded life of the parents the eldest son was not yet born; and during his minority he could not help the parents in the acquisition of the family property. With a view to accumulate the property, the mother saves as much as she can. She takes great care of the personal safety of her son and sees that he suffers no privation, and that he is well brought up. Her love for the son is greater than the father's. For these reasons the mother is entitled to get three shares and the son one share. So says Rishi Manu. Having already obtained his father's office, wearing apparel, and ornaments, the son gets one share, as he is to carry on the father's work and preserve the social standing of the family.

**Dhno.**

Of the seven kinds of partition, that between mother and son on the death of the father is as follows:—

If the son is one who assumes the duties and responsibilities of his father and is well known to the local authorities, he shall get his father's elephant and pony together with their keepers; his wearing apparel, office, and lands held as emolument of office. The mother shall get such property as are given her by the father, namely, belt, ear-rings, bracelets, anklets, and the sedan-chair; none of the sons shall prefer any claim to them. The rest of the property, such as bullocks, buffaloes, goats, sheep, pigs, fowls, ducks, gold, silver, copper, platinum, tin, lead, paddy, rice, and sessamum, shall be divided into four shares. the mother shall get three shares and the son one share. The reason why the mother gets three shares is because the property was being acquired even before the son was born, the mother being chiefly instrumental in the acquisition by her economy. Having had to bring up the sons and having great affection for them, the mother gets three shares out of four of the male slaves, and the son one share. As to female slaves, the mother alone is entitled to them. The same rule holds good should there be even ten sons. The Dhammathatana accordingly says: “မိထံသို့ ..... ထု၍ခွဲပေးရမည်။”

[The meaning of the words quoted is substantially the same as that of the extract from Myingun.]

On the death of the father, partition between mother and son *Viniccaya*, shall be made as follows. —

The mother shall get all the female slaves, and the son his father's pony, armour, and sword. After they have thus taken what each of them is entitled to, the rest of the property shall be divided into four shares — one share shall be taken by the son and three shares by the mother.

There are seven kinds of partition of inheritance. The first in serial order, namely, that of partition between mother and son on the death of the father is as follows —

If the son is one who assumes the duties and responsibilities of his father, he shall get his father's sword, personal belongings, elephant, pony, lands, house, and house-site. His personal belongings include betel-trays, betel-box, pickled tea container, cups, sword and umbrella, bearers, personal attendants, and other property, both animate and inanimate, intended for his private or personal use. The mother shall get her belt, ear-rings, bracelets, anklets, finger-rings, palanquin, and such other ornaments and property given her by the father during his lifetime, none of the sons shall lay any claim to them.

Bullocks, buffaloes, goats, pigs and other animate property remaining after the mother and son have taken what they are respectively entitled to as their separate shares, shall be divided into four shares — the mother shall get three shares and the son one share. The remaining inanimate property, such as gold, silver, &c., shall be divided in the same way.

While property was being acquired by the parents, the son, being young, could not help the parents, and the father does not try to save the property already acquired (the mother being the principal agent in the saving of such property); she is therefore entitled to get three shares. The son gets one share for upholding the father's position and office. Because the mother loves and brings up her son, she is entitled to get three shares out of four of the male slaves, and the son one share. She is also entitled to get all the female slaves. Should there be even ten sons, the same rule holds good. But if there are only female slaves, the mother should make over a few of them to the sons. The above rule as regards partition of slaves applies only to those bought out of the jointly acquired property. As regards hereditary slaves brought to the marriage by the father, there shall be equal division between mother and son.

**Pākāsaṇi.** The rule of partition between mother and son on the death of the father is as follows —

The mother takes all the female slaves, and the son his father's personal and private property. The remainder shall be divided between mother and son in the proportion of three to one.

**Vicchedant.** On the death of the father, if the son carries on the father's duties, he shall get his father's elephant, pony, wearing apparel, ornaments, sword, and hereditary lands. Of the remaining property, the son gets only one share, while the mother gets three shares. The same rule of division applies to male slaves. The mother gets all the female slaves and all the ornaments given her by the father during his lifetime, the son shall have no claim to such property. Should there be even ten sons, this rule holds good.

**Rājabala.** The rule of partition between mother and son comes under two separate heads, one when the mother marries again and the other when she does not. In both cases the son shall take the private and personal belongings of his father, his insignia of rank, and the betel-box and goblet bearers. The mother shall take her private and personal belongings as well as all the female slaves. The remaining property, both animate and inanimate, shall be divided into four shares: the mother shall take three shares and the son one share.

**Sōṇḍa.** [The same as the first extract from Pyu.]

**Dip.** [The same as the second extract from Pyu.]

**Manu.** The rule of partition between mother and son on the death of the father is as follows:—

The son shall get such property as are intended for his father's private and personal use, namely, elephants, ponies, &c. The mother shall get all the property intended for her private and personal use, as well as all the female slaves. The rest of the property shall be divided into four shares: the mother shall get three shares and the son one share.

**Pāpaṇi.** The rule of partition between mother and son on the death of the father is as follows:—

If the son is one who performs his duties towards the parents, he shall get his father's elephant, pony, insignia of rank, bearers of the betel-box, goblet, and umbrella, and other personal attendants; also the lands usually worked by his father and the household property. Of the rest of the property, the mother gets three shares and the son one share. He is also entitled to all ornaments given him by both parents when accompanied by delivery of possession. The mother gets three shares out of four of the male slaves and the son one

share. As regards female slaves the mother alone is entitled, the sons having no right to them.

The sons shall not get the ornaments given by the father to the **Pāpā** mother.

When partition is made between mother and son on the death of **Ditto** the father, equal division shall be made of the hereditary slaves brought by the father to the marriage.

The following is a statement of the rule of partition between **Kungya** mother and son on the death of the father as given in the **Manusāra** **linga**.  
**Dhammathat** :—

The son shall get his father's cups, swords, wearing apparel, personal attendants, spears, elephant and pony, as well as his office. The mother shall get her wearing apparel and ornaments. Of the remaining property, the son shall get one share while the mother gets three shares

On the death of the father the son shall get one share of the **in-Dāyāja** inheritance and the mother three shares. The male slaves shall also be divided in the same way. As regards female slaves, the sons have no claim to them, the mother alone is entitled to them should there be even ten of them. If, however, the property consists wholly of female slaves, the mother ought to give the son a share.

The rule of partition between mother and son on the death of **Warulinga** the father is as follows. —

Should the son be an *orasa*, he shall get his father's insignia of rank, elephant, pony and trappings, sword, carriage, cart, boat, betel-box and goblet bearers, drinking-cup, and wearing apparel. Of the remaining property, the mother gets three shares and the son one share.

Should the father die after the birth of a son, having by good **Dhamma** fortune amassed a fair competence during his lifetime, the partition **sāra** of his estate between mother and son is as follows :—

The property, including coat-of-mail, golden shields, swords, spears, clothes, &c., shall be divided into four shares: the mother shall get three shares and the son one share. Should there be other property in the hands of the mother, it shall be divided in the same way. The son is entitled to get the whole of the property on the death of the mother.

[The same as Manugyè.]

**Anvaya**

[Substantially the same as Kungyalinga.]

**Cittara**

Kyetyo.

Why should only the eldest son or daughter get a share of the patrimony (on the death of the father)? Because, the eldest child is obtained through the prayers of the parents, and it is with him or her that they have worked together for the acquisition of the family property.

Ditto.

The reason why the mother gets three shares and the eldest child one share is because during the early period of the wedded life of the parents before the eldest child was born, the mother took care that the property acquired by the father was not wasted. After the eldest child was born, and before he or she was competent to help the parents, the mother tried to save and accumulate the property acquired by the father. The eldest child gets one share because he or she assumes the duties of the parents and maintains the integrity of the family. Having borne the children the mother has not the heart to make them work or see them suffer privation, but takes great pains to bring them up in comfort. The children lie under deeper obligation to the mother than to the father. Hence, the mother gets three shares and the eldest child one share.

Another rule is, that if gold, silver, copper, iron, bullocks, paddy, rice, Indian-corn, peas, millets, barley, and sessamum are exhausted by the mother in her personal use or in performing charitable works, let it be so; the sons shall not get any, even if left unexhausted, the mother alone being entitled to them.

Kyannot.  
✽

The rule of partition between mother and son on the death of the father is as follows:—

If the son is one who is known to the local authorities, he shall get his father's elephant, pony, betel-box, betel-tray, cups, and head-dresses; his lands, gardens, and toddy-palm plantations held as emoluments of office. Bullocks, buffaloes, mules, elephants, camels, goats, pigs, and fowls shall be divided into four shares. the mother shall get three shares and the son one share. The mother shall get her belt, bracelets, finger-rings, ear-rings, and other personal ornaments; as they were given her during the father's lifetime they shall be deemed the mother's separate property, and therefore the sons shall have no claim to them. Gold, silver, copper, iron, paddy, rice, lands, Indian-corn, peas, sessamum, and barley shall be divided into four shares: the mother shall get three shares and the son one share. The male slaves shall be divided in the same proportion. All the female slaves go to the mother. The same rule of partition holds good should there be even ten sons. The reason is that when the property was being acquired the sons were not yet born, and when they were born, they could not (during their minority) help the parents in the acquisition of property; and although the father acquires

it he does not try to save it; it is the mother who does so and undergoes inconveniences; and she loves the sons more than the father does: hence the mother gets three shares. The son is given one share because he assumes the father's responsibilities, discharges his debts, and continues the family

### SECTION 31.

#### PARTITION BETWEEN MOTHER AND DAUGHTER ON THE DEATH OF THE FATHER.

The rule of partition between mother and daughter on the death **Manu** of the father is as follows:—

The daughter shall get the bracelets, belt, and ornaments given her before the death of the father, and by both parents. She shall also get out of the estate one family of slaves one pair of bullocks, and a fair portion of seed paddy and peas. The mother shall get the rest of the property. Although the daughter is the offspring of the father, still it is the mother who has direct control over her. Should the mother exhaust the property during her lifetime, let it be so; but if anything is left unexhausted the daughter shall get it.

The rule of partition between mother and daughter on the death **Mānuka** of the father is that the daughter shall get the anklets, bracelets, ear-rings, belt, and other property given her by both parents.

The rule of partition between mother and daughter on the death **Pṛa** of the father is as follows:—

The daughter shall get the anklets, bracelets, ear-rings, finger-rings, necklaces, belt, and other property given her by the mother with the father's concurrence and during his lifetime, these having become her separate property. She ought also to get out of the estate, one family of slaves, one pair of bullocks, and seed paddy, peas, millets, and barley; but the mother alone is entitled to them. Why should the daughter get only such property as are mentioned above? Because, although she is the offspring of the father, yet being a daughter, she is entirely controlled by the mother. Should the property be exhausted by the mother during her lifetime, let it be so; the daughter shall get only what is left unexhausted.

The rule of partition between mother and daughter on the death **Yama** of the father is, *mutatis mutandis*, the same as that between father and daughter on the death of the mother (see under Vilāsa in section 33).

**Kaingza.** [The same as Mano.]

**Myingun.** The rule of partition between mother and daughter on the death of the father is as follows :—

The daughter shall get the anklets, bracelets, ear-rings, finger-rings, belt, clothes, and other property given her by both parents. She shall also get one slave, one pair each of bullocks and buffaloes, and a fair portion of seed paddy, peas, and Indian-corn. The mother shall get the rest of the property; and on her death the daughter shall get what is left.

**Dammathakya.** The rule of partition between mother and eldest daughter on the death of the father is as follows :—

The daughter shall get the clothes, ornaments, and other property given her before the father's death, and by both parents. If nothing has been given and there is heritable estate, she shall get one pair of buffaloes, ten milch cows, three bullocks, and one female slave who knows cookery. The mother shall get the rest of the property, both animate and inanimate.

**Dhamma.** The rule of partition between mother and daughter on the death of the father is as follows :—

The eldest daughter shall have one female slave, two milch cows, one pair of buffaloes, one *pe* of land, and a quantity of Indian-corn, paddy, millets, barley, and sessamum sufficient for seed purposes. The mother and the younger daughters shall get the rest of the property, animate and inanimate. Should there be no such property as enumerated above, but only gold and silver, payment must be made in silver according to the following valuation, namely, a female slave at seven ticals and a half, a cow and calf at one tical and a quarter, a male buffalo at five ticals and a half, a female buffalo at two ticals and a half, and one *pe* of land at twenty ticals. But the mother is at liberty to sell them and maintain herself if such a course is necessary.

**Manure.** O great king! The rule of partition between mother and daughter on the death of the father is as follows :—

The eldest daughter shall get one female slave, one milch cow, one milch goat, one pair of buffaloes, one *pe* of land, and seed grain consisting of Indian-corn, millets, barley, and sessamum. The mother and younger daughters shall get the rest of the property, both animate and inanimate. If there is no other property besides gold and silver, payment must be made in silver according to the following valuation, namely, a female slave at seven ticals and a half, a cow and calf at three ticals, a she-goat and kid at two ticals and a half, a male buffalo at five ticals, a female buffalo at two ticals and

a half, one *pe* of land at twenty ticals, and (a basket of) seed grain at two ticals and a half. If there are ten buffaloes, but the number of cows and goats is in each case less than ten, let division be made of the buffaloes only and not of the others. Partition of each kind should be made only when there are three or four female slaves, ten each of buffaloes, bullocks, and goats, and twenty-five *pēs* of land. The above is the mode of partition when the mother does not marry again. She is at liberty to exhaust the property when spent on necessities.

The rule of partition between mother and daughter on the death **Kandav.** of the father is as follows :—

The daughter shall get the bracelets, belt, and other ornaments given her before the death of the father, and by both parents. Out of the estate she shall get one family of slaves, one pair of bullocks, and a fair portion of peas, paddy, &c. The mother shall get the rest of the property. Although the daughter is the offspring of the father, yet it is the mother who controls her and brings her up from childhood. The daughter shall get, on the death of the mother, what is left unexhausted by her.

[ The same as Kaingza. ]

**Teja.**

The daughter shall get the bracelets and other ornaments given **Vappa-** her before the father's death, and by both parents. She shall get **dhamma** subsequently one family of slaves, one pair of bullocks and a fair portion of paddy, Indian-corn, peas, &c. The mother shall get the rest of the property. Why should not the eldest daughter, being like the eldest son an offspring of the father, get one-fourth share of the inheritance? Because the daughter is entirely controlled by the mother and the property left unexhausted by the mother after use during her lifetime devolves on the daughter when the mother dies.

The mode of partition between mother and daughter is as fol- **Vappanā.** lows :—

The daughter gets the wearing apparel and ornaments given her before the father's death, and by both parents, and also one family of slaves, one pair of bullocks, and a fair portion of paddy, rice, peas, &c. The mother gets the rest of the property.

The mode of partition between mother and daughter is as fol- **Manuvā.** lows :—

The daughter shall get the belt, finger-rings, bracelets, anklets, ear-rings, wearing apparel, and other ornaments given her before the death of the father, and by both parents. Out of the patrimony she shall get one family of slaves, one pair each of bullocks and buffaloes, and paddy, peas, &c. The mother shall get the rest of the property.

Rāst.

The rule of partition between mother and eldest daughter on the death of the father, or between father and eldest son on the death of the mother is, *mutatis mutandis*, the same as that between eldest daughter and father on the death of the mother. (*Vide* under Rāst in section 33) Why should there be partition only with the eldest born? Because he or she was obtained through the prayers of the parents offered at the commencement of their union, and property was acquired with his or her assistance

Ditto.

The mode of partition between mother and daughter is as follows:—

The daughter shall get the bracelets, belt, &c, given her before the death of the father, and by both parents. She shall also get one family of slaves, one pair of bullocks, and a fair portion of paddy, peas, &c. The mother shall get the rest of the property. Is not the daughter the offspring of the father, and if so, why should the mother get almost the whole of the property? The reason is, because daughters are controlled by the mother only. If the mother exhausts the property during her lifetime, let it be so, if any property is left unexhausted the daughter alone shall get it. Therefore it is also said in the Dhammathatlinga “သားမိနီးမိနီး ဘဝင်အမေ့ ..... အမေ့အမေ့အမေ့အမေ့” [This quotation is the same as the extract from Myingun.]

Vinicchaya.

Partition between mother and daughter shall be made as follows:—

The daughter shall get the bracelets, finger-rings, ear-rings, and the like given her before the death of the father, and by both parents, and such other property already in her possession. The rest of the property, animate and inanimate, shall be taken by the mother. Should the estate be large the mother ought to give the daughter a suitable share in addition.

Mans-  
vappanā.

The daughter shall get the bracelets, finger-rings, ear-rings, necklaces, and the like given her during the father's lifetime, and by both parents. She shall also be given one family of slaves, one pair each of bullocks and buffaloes, and a fair portion of paddy, Indian-corn, peas, &c. The mother shall get the rest of the property.

Ditto.

If the daughter lives with the mother, she is not entitled to get any property although she is the offspring of the father. If the mother exhausts the property during her lifetime, in her own use, or in maintaining her second husband, or in performing works of merit, she commits no fault. Why should not the daughter, living with the mother, being as she is the offspring of the father, get something? Because, the mother controls the daughter. If the property be exhausted by use during the mother's lifetime, let it be so; but should

anything remain unexhausted the daughter alone shall get it ; and for this reason also she does not get anything during the mother's lifetime.

The mode of partition between mother and daughter is as fol- **Pakṣam 1.**  
lows :—

The daughter shall get here ear-rings, gold comb, necklaces, hair-pins, and other ornaments given her during the lifetime of the father, and by both parents ; and also other gifts when delivery of possession has taken place. The mother shall get the rest of the property, out of which, if it be very considerable, she should give the daughter a suitable portion.

The mode of partition between mother and daughter is as fol- **Vicchedant.**  
lows :—

The daughter shall get the wearing apparel and ornaments given her during the father's lifetime, and by both parents. She shall also get a fair portion of grain, a slave of her choice, and a pair of bullocks or buffaloes. The mother shall get the rest of the property.

The mode of partition between mother and daughter is as fol- **Rājahala.**  
lows —

If the mother does not marry again, the daughter shall get one female slave, one milch goat, one pair of young female buffaloes, one *ṇe* of land, and a reasonable quantity of sessamum, paddy, Indian-corn, and millets. Should there be no such property the value thereof shall be given. The mother shall get the rest of the property, animate and inanimate.

The above rule of partition should be applied when there are ten each of buffaloes, bullocks, and goats, three or four female slaves, and twenty-five *ṇes* of land.

Should there be only gold and silver, the different kinds of property enumerated above shall be valued as follows :—a female slave at seven ticals and a half of silver, a cow and calf at four ticals, a she-goat and kid at one tical and a half, a young buffalo at five ticals, a female buffalo at two ticals and a half, one *ṇe* of land at twenty ticals, and (a basket of) sessamum and food-grain at two ticals and a half.

[The same as Pyu.]

**Sōnda.**

I shall speak of the mode of partition between mother and **Manu,**  
daughter. The eldest daughter shall be given one female slave, two cows, two she-goats, one *ṇe* of land, cereals such as paddy, millets, Indian-corn, barley, and sessamum, and one pair each of male and female buffaloes.

**NOTE.**—The Pāli word used in this Dhammathat is *dhītuyā* which means simply a daughter; the commentary says that, as in the case of the son, the word should be taken to mean the eldest daughter.

Pāṇan.

The mode of partition between mother and daughter on the death of the father is as follows :—

The daughter shall get the ornaments given her during the father's lifetime, and by both parents ; and also one family of slaves, one pair of bullocks, and a fair quantity of grain. The mother shall get the rest of the property.

Amwebōn.

O great king ! The rule of partition between mother and daughter on the death of the father is as follows.—

The daughter shall get one female slave, two milch cows, two milch goats, one pair of young female buffaloes, one *pe* of land, and seed grain consisting of peas, Indian-corn, millets, barley, and ses-samum. The mother and the younger daughters shall get the rest of the property, both animate and inanimate.

If there is no such property, but there is gold and silver only, payment must be made in silver according to the following valuation, namely :—a female slave at seven ticals and a half, a cow and calf at four ticals, a she-goat and kid at one tical and a quarter, a young buffalo at two ticals and a half, one *pe* of land at twenty ticals, and (a basket of) seed grain at two ticals and a half. If there are ten buffaloes, but the number of bullocks or goats is less than ten, let division be made of the buffaloes only and not of the others.

Partition should be made only when there are three or four female slaves, ten each of buffaloes, bullocks, and goats, and twenty-five *pes* of land. The above is the mode of partition when the mother does not marry again. She is at liberty to exhaust the property when required for necessaries.

Kyetya.

Rishi Manu says that the rule of partition between mother and daughter on the death of the father, and that between father and son on the death of the mother are, *mutatis mutandis*, the same as that between father and eldest daughter on the death of the mother. (*Vide* under Kyetya in section 33.)

Kyanat.

The rule of partition between mother and daughter on the death of the father is as follows :—

The daughter shall get her anklets, bracelets, belt, finger-rings, and ear-rings given her during the father's lifetime, these having become her separate property as they were given by the mother with the concurrence of the father. Out of the estate the daughter shall get a pair of good bullocks, a pair of buffaloes, a fair quantity of seed paddy, peas, millets, barley, &c. The mother shall get the rest of the property. The above rule refers to an unmarried daughter. Why should the daughter get only that much and no more ? Because the daughter, though the offspring of the father, is controlled

by the mother as she is of womankind. On the death of the mother the daughter is entitled to her property. Let the mother have a life interest therein; and should she exhaust the property during her lifetime, let it be so; the unexhausted portion, if any, shall be enjoyed by the daughter subsequently.

### SECTION 32

#### PARTITION BETWEEN FATHER AND SON ON THE DEATH OF THE MOTHER

The rule of partition between father and son on the death of the *Mano* mother is as follows:—

The son does not know the true extent of the parental estate. The parents try to increase their possessions, i.e. The father has to acquire property by trading in distant lands, and the mother tries to save what is acquired with a view to secure their own welfare as well as that of their offspring. Hence the son shall get what is given him while both parents are living. The son shall also get any property given him when young through affection, any property in the mother's house specially prized by him, a pair of bullocks, a pair of buffaloes, a pair of milch cows, one breeding bull, twenty good milch goats, and three breeding he-goats. The father shall obtain the rest of the property. He should so partition the property with his son as to give the latter a fitting start in life.

In partition between father and son on the death of the mother, *Mānava*, the son shall get the slaves, anklets, bracelets, and other property given him by both parents.

The rule of partition between father and son on the death of the *Pru* mother is as follows:—

The principle underlying the rules of inheritance is, that while both parents are living, it is they who endeavour to acquire wealth, the father trying to earn and the mother trying to save. The parents acquire property so that they may do what they like with it during their lifetime, and leave it to their descendants on their death. Therefore in the partition between father and son, the latter gets any property, animate and inanimate, ornaments, anklets, and the like given him by both parents.

The mode of partition between father and son is as follows:— *Dāto*. The son shall get the ornaments given him when young, and something which he is especially fond of, two pairs of plough buffaloes, a young bullock, twenty good milch goats, and three breeding he-goats. If there are other sons and daughters, they should be given small amounts to satisfy them.

Vilāsa.

The rule of partition between father and son on the death of the mother is, *mutatis mutandis*, the same as that between father and daughter on the death of the mother. (*Vide* under Vilāsa in section 33.)

Kaingza 1st  
and 2nd ex-  
tracts.  
Myingun.

[The same as Mano.]

The mode of partition between father and son is as follows:—

The son shall get any property given him by both parents and other property given him by the mother through affection. Out of the estate he shall get one pair each of bullocks and buffaloes, two good milch cows, twenty she-goats, and three he-goats for breeding purposes. The father shall get the rest of the property. Even if there are ten sons, they should be given only small amounts according to age to please them.

Dhamma-  
thatkyaw.

The mode of partition between father and eldest son on the death of the mother is as follows:—

The son shall get the ornaments, such as anklets, bracelets, earrings, finger-rings, and the like given him for wear by both parents. He shall also get any property given him as a separate gift. If he has not received any separate gift, he shall get one pair of buffaloes, one pair of bullocks, ten milch cows, and three bulls. The rest of the property, animate and inanimate, shall be the father's share. If there are younger children, they shall get their shares on the death of the father.

The reason why only the eldest child gets a share of the inheritance on the death of either parent is, because the parents obtained him or her through the prayers offered at the commencement of their married life, and the family property was acquired with his or her help.

Dhamma.

The mode of partition between father and son on the death of the mother is as follows:—

The son shall get one male slave, one pair of buffaloes, one pair of bullocks, one goat, one sheep, and one *pe* of land. The father and the younger children shall get the rest of the property, animate and inanimate. Should there be only gold and silver and no slaves, buffaloes, bullocks, and goats, the value thereof shall be given in silver according to the following valuation, namely, a male slave at ten ticals, a buffalo at five ticals, a bullock at two ticals and a half, a goat at one tical and a quarter, and a *pe* of land at twenty ticals. Should there be no property, animate and inanimate, no inheritance can be claimed. Of the property enumerated above, should there be only land and no other property, the son shall not, on receipt of the (*pe* of) land, insist upon obtaining the other kinds of property.

O great king! The rule of partition between father and son on *Mangyā* the death of the mother is as follows:—

The eldest son shall get one male slave, one pair each of buffaloes and bullocks, one goat, one sheep, and one *pè* of land. The father and the younger children shall get the rest of the property, animate and inanimate. Should there be no such property, the son shall be given forty-seven ticals and a half of silver, which is their aggregate value according to the following valuation, namely, a male slave at ten ticals, a buffalo at five ticals, a bullock at two ticals and a half, a goat at one tical and a quarter, and a *pè* of land at twenty ticals. The son cannot insist upon such payment if the father has no silver.

The rule stated above as regards the eldest son's share should be applied when the father has three or four slaves, ten buffaloes, ten bullocks, ten goats, and twenty-five *pès* of land. If there are slaves in the estate, let the son get one; if there is no goat or land, the father may be excused from giving the value thereof. Should the estate consist only of land, the son shall get the land, but shall not insist upon getting the other kinds of property or the value thereof. This is the law of partition when the father does not marry again.

The mode of partition between father and son is stated thus:— *Kandaw*.

The son does not know the true extent of the estate. The father has to acquire the property by trading in distant lands, while the mother has to save it with a view to provide for their comfort as well as that of their posterity. Therefore the son shall get only such property as are given him during the lifetime of the parents.

The son shall get the property given him when he was young. *Dito*. He shall also get some valuable heirloom out of his mother's property and one pair each of buffaloes and bullocks, one pair of milch cows, one bull, twenty she-goats, and three he-goats. The father gets the rest of the property, out of which he should give suitable shares to his other sons.

[The same as the first extract from *Kaingza*.]

*Teja*.

[The same as the second extract from *Kaingza*.]

*Dito*.

[The same as the first extract from *Kaingza*.]

*Vasat-  
dhamma*

[The same as the second extract from *Kaingza*.]

*Dito*.

[Substantially the same as the second extract from *Vasat-  
Kandaw*.]

The mode of partition between father and son on the death of *Mampin* the mother is as follows:—

The son gets the property previously given him by both parents. As regards cattle, he gets two pairs each of buffaloes and bullocks,

one milch cow, twenty she-goats, and three he-goats for breeding purposes. The other sons shall receive small shares even if there are ten of them.

Rist. [The same as in section 31.]

Ditto. [Substantially the same as the first extract from Kandaw.]

Ditto. The son shall get what was given him when he was young, and also some heirloom chosen by him out of the estate. He shall also get one pair each of buffaloes and bullocks, one pair of milch cows, one bull, twenty she-goats, and three he-goats for breeding purposes. The father gets the rest of the property. Based on the above rule, the Dhammathatlinga says, “သားခမည်းသားဝေဝေရာတာ။..... န..... ဖြည့်ရအသေးဝေဝေရတီ။”

[The quotation is the same as the extract from Myingun, except that in the latter two milch cows are mentioned, whereas in the present quotation there is only one.]

NOTE.—The Pāli in the Dhammathat-gatha is *d-īdhenuvugam* or two milch cows. The versified rendering of the Pāli word gives only one milch cow.

Vinichaya. Partition between father and son shall be made thus:—

The son shall get what was given him and delivered into his hands during the lifetime of both parents. The father shall get the rest of the property. If the estate is of considerable value, the father shall give the son a fair share of slaves, paddy, peas, Indian-corn, and millets, one buffalo, one bullock, one yoke of oxen, ten milch cows, ten kids, and three full grown he-goats for breeding purposes.

Manu-vaggañ. [The wording of this extract is almost the same as Vannadhamma and the meaning is the same as Mano except that it mentions one pair of bulls, whereas Mano gives only one.]

Pakāsañ. The mode of partition between father and son is as follows:—

The son shall get anything given him by both parents during their lifetime, on his entering the Order either as a novice or as a monk, and at his marriage. He shall also retain possession of any property already given him and delivered into his hands. The father shall get the rest of the property. If the estate is of considerable value, he should also give the son a fair quantity of paddy, Indian-corn, and peas; a few he-goats, she-goats, and a number of yokes of plough bullocks and buffaloes sufficient to start him in agricultural work.

Vatthakāñ. The mode of partition between father and son on the death of the mother is as follows:—

The son shall get the wearing apparel, personal ornaments, and other property given him by both parents. He shall also get two

pairs each of buffaloes and bullocks, three he-goats, twenty she-goats, and one milch cow. The father shall get the rest of the property. Should there be even ten sons, the same rule of partition applies

Of the nineteen rules (of partition) in the law of inheritance, two **Rājabala** different cases arise in respect of partition between father and son on the death of the mother; first, when the father marries again, and secondly, when he does not. In the second case, the son shall get one slave, one pair of bullocks and another of buffaloes, one goat, one sheep, and one *pe* of land. If there is no such property, the value of what the son is entitled to get shall be given. The father shall get the rest of the property, animate and inanimate.

The above rule of partition applies when the father has three slaves, ten buffaloes, ten bullocks, ten goats, and twenty-five *pes* of land; if he has no such property but only gold and silver, the son's share shall be given in silver according to the following valuation, namely, a male slave at ten ticals, a pair of buffaloes at ten ticals, a pair of bullocks at five ticals, a sheep or goat at one tical and a quarter, and a *pe* of land at twenty ticals. If the father has no property of any kind, the son shall not claim anything

[The same as the first extract from Pyu.]

**Sōnda.**

[The same as the second extract from Pyu.]

**Ditta.**

On the death of the mother, partition between father and son **Ditta** as regards male and female slaves bought out of jointly acquired property is the same as that between mother and son on the death of the father (*vide* section 30 under Sōnda, second extract).

The mode of partition between father and son on the death of **Mamu** the mother is as follows:—

The eldest son shall get one slave, one pair each of bullocks and buffaloes, as well as of goats and sheep, and (one) *pe* of land. If there is no such property in the estate, the value thereof shall be given according to the following valuation, namely, a slave at ten ticals of silver, a pair of buffaloes at five ticals, a pair of bullocks at two ticals and a half, a pair of goats or sheep at one tical and a quarter, and a *pe* of land at twenty ticals. The rest of the property shall go to the father and the younger sons.

The rule of partition stated above should be applied when the father has two or three slaves, ten each of bullocks, buffaloes, and goats, and twenty-five *pes* of land. If the estate consists of a large quantity of grain, the value of the son's share of inheritance shall be paid in grain. If the estate consists only of land, partition shall

be made of it. If the estate is of little value, a suitable partition should be made according to its value.

**Pāṇā.** In cases of partition between father and son, the latter shall get what was given him by both parents.

**Ditto.** The son shall get one pair each of bullocks and buffaloes, one pair of milch cows, one bull, twenty milch goats and three he-goats for breeding purposes. The father shall get the rest of the property.

**Dhamma-sāra.** The mode of partition between father and eldest son is the same as that between father and eldest daughter. The eldest son or daughter gets what was given him or her by both parents.

**Amwebōn.** [The same as Manugyè, but with the additional provision that the father has the right of sale over the son's share in case of necessity ]

**Ciktara.** The mode of partition between father and son is as follows.—

The son shall get one slave, one pair each of bullocks and buffaloes, one goat, one sheep, and one *pè* of land. The father shall get the rest of the property, animate and inanimate. If there is not enough of any of the property mentioned, the value thereof shall be paid according to the following valuation, namely, a slave at ten ticals of silver, a buffalo at five ticals, a bullock at two ticals and a half, a goat or sheep at one tical and a quarter, and a *pè* of land at twenty ticals.

**Kyetyo.** The Rishi Manu says that the rule of partition between mother and daughter on the death of the father, and that between father and son on the death of the mother is, *mutatis mutandis*, the same as that between father and daughter on the death of the mother, (*vide* under Kyetyo in section 33).

**Kyannet.** The mode of partition between father and son on the death of the mother is as follows :—

The son does not know how to add to the estate which is increased by the joint effort of the father and mother, the former acquiring property in places far and near and the latter saving and preventing it from being wasted. The parents say to themselves that during their lifetime they will enjoy their wealth by living in comfort, by performing works of charity, and by observing religious precepts, and that on their death they will leave their property to their posterity. It is in accordance with this parental disposition that the rules of partition of inheritance (between parents and children) are determined. The son shall get the slaves, anklets, bracelets and other ornaments given him by both parents, these having

become his separate property. He shall also get an heirloom from the estate, and the following:—two pairs of bullocks, two pairs of milch cows, a share of the plough bullocks, twenty good milch goats, and three he-goats. The father shall get the rest of the property. If there are many sons, the father should give them small amounts varying according to age, to please and satisfy them.

### SECTION 33.

#### PARTITION BETWEEN FATHER AND DAUGHTER ON THE DEATH OF THE MOTHER.

The mode of partition between father and daughter on the death *Mano.* of the mother is as follows:—

The daughter shall get the slaves, wearing apparel, and ornaments given her by both parents, her mother's wearing apparel and ornaments, and some heirloom out of the mother's property. She shall also get one pair each of bullocks and buffaloes, ten milch cows, twenty milch goats, and one female slave cook. The father shall get the rest of the property.

The mode of partition between father and daughter on the death *Mānuka.* of the mother is as follows:—

The daughter shall get her mother's ear-rings, bracelets, belt, cups for eating and drinking, clothes and ornaments worn by women. The father shall get the rest of the property.

The mode of partition between father and daughter on the death *Pṛy.* of the mother is as follows:—

The daughter shall get the necklace, anklets, bracelets, ear-rings, belt and the like given her by both parents during their lifetime, these having become her separate property. Besides the above she shall choose an heirloom out of her mother's personal ornaments. She shall also get one pair each of bullocks and buffaloes, ten milch cows, ten milch goats, and one cook. The father shall get the rest of the property.

The hereditary slaves brought by the mother to the marriage *Dina.* shall be equally divided on her death between father and daughter. In case of the death of the hereditary slaves brought by either parent or by both parents, equal division should be made of the children of the deceased slaves.

The mode of partition between father and daughter on the death *Dina.* of the mother of the *letistṛya* slaves, i.e., slaves bought out of property acquired jointly during marriage, is the same as that between mother and son on the death of the father (*vide* second extract from *Pṛy* in section 30).

**Vilasa.** The mode of partition between father and eldest daughter on the death of the mother is as follows :—

The eldest daughter shall get her mother's belt, finger-rings, earrings, neck-laces, bracelets, combs, betel-box, cushions, and personal ornaments, as well as her own anklets, bracelets, finger-rings, earrings, necklaces, combs, and personal ornaments given her for personal adornment during the mother's lifetime, these latter having become her separate property. The rest of the property, such as gold, silver, slaves, buffaloes, bullocks, goats, pigs, fowls, ducks, paddy, rice, Indian-corn, peas, millets, barley, sessamum, cotton, and household furniture shall be divided into four shares: the father shall get three shares and the eldest daughter one share.

**Dita.** Why should the eldest child get a share of the inheritance on the death of either parent? Because, the parents obtained him or her through the prayers offered at the early period of their wedded life, and they acquired property with his or her assistance.

**Waru.** O great king! On the death of the mother the eldest daughter shall get the ornaments, such as golden flowers, &c., worn by the mother, and the female slaves who attended on her. Of the rest of the property she shall get one-fourth and the father the remaining three-fourths.

**Kungya.** The husband and wife are each entitled to half their property. On the death of either, the survivor gets half the share of the deceased partner; the other half is inherited by their children. According to this principle, the children are entitled to one-fourth of the estate and the surviving parents three-fourths.

**Kalingra.** [The same as Mano.]

**Myingun.** The mode of partition between father and daughter is as follows :—

The daughter shall get what has been given her by both parents, all the ornaments worn by the mother, and an heirloom out of the mother's property. She shall also get one pair each of buffaloes and bullocks, ten milch cows, twenty she-goats, and one female slave. The father shall get the rest of the property.

**Dhamma-shakyaw.** The mode of partition between father and eldest daughter on the death of the mother is as follows :—

The eldest daughter shall get all her mother's clothes and ornaments. Other property, such as household furniture, gold, silver, paddy, rice, buffaloes, bullocks, slaves, land, &c., shall be divided into four shares: the eldest daughter shall get one share, and the father three shares. If there are many children, they

shall get their respective shares on the death of both parents. Why should the eldest daughter alone get a share of the inheritance on the death of the mother? Because, she helps in the acquisition of property by working with the parents before the younger children are born; and when the mother passes away she assumes the duties of the mother in looking after the household affairs, in preserving the integrity of the family, and in rendering assistance to those relatives who are in need of it.

The slaves brought by the mother to the marriage shall be divided Dhamma-  
thatkyaw  
equally between father and daughter.

The mode of partition between father and daughter on the death Dhamma.  
of the mother is as follows:—

The father shall get all his wearing apparel and the betel-box and goblet bearers. The daughter shall get her mother's wearing apparel and one female slave cook. Of the remaining property, the daughter gets one-fourth and the father three-fourths. The father is at liberty to exhaust the property (when spent on necessities).

O great and excellent king! The rule of partition between father Manugyā.  
and daughter on the death of the mother is as follows:—

The father shall get his cups, sword, elephant, pony, slaves, betel-box and goblet bearers, and his wearing apparel. The daughter shall get all her mother's clothes and ornaments, and one female slave cook. Of the rest of the property, the daughter shall get one-fourth and the father three-fourths. The above is the rule of partition when the father does not marry again.

The mode of partition between father and daughter on the death Kandaw.  
of the mother is as follows:—

The daughter shall get the clothes and ornaments given her by both parents as well as her mother's clothes and ornaments. She shall also get one pair each of buffaloes and bullocks, ten milch cows, twenty she-goats, and one female slave cook. The father shall get the rest of the property.

[The same as Kaingza.]

Tejo.

[The same as Kaingza except that another rendering is Vappa  
dhamma.  
also given for the Pāli word *dasamaṇḍane*, namely, burnished brass-plate serving as a looking-glass, and clothes and ornaments.]

The mode of partition between father and daughter on the death Vappanā.  
of the mother is as follows:—

The daughter shall get her mother's belt, bracelets, finger-rings, ear-rings, necklaces, combs, gold hair-pins, betel-box, and other

**Manuyin.** The mode of partition between father and daughter is as follows :—

**Rant.** The mode of partition between father and eldest daughter on the death of the mother is as follows :—

**Disso.** The mode of partition between father and daughter on the death  
**of** of the mother is as follows:—

**Vinitchaya.** The mode of partition between father and daughter is as follows :—

The mode of partition between father and daughter is the same as the division of slaves between mother and son on the death of the father. (*Vide* under *Manuvyaṇanā* in section 30.)

[The same as the extract from Vannadhamma, but with the additional provision that the father should give the daughter something suitable besides.] Maṇu-  
vāṇṣa.

The mode of partition between father and daughter is as fol- Pakāśant.  
lows:—

The father shall get all the male slaves, and the daughter all her mother's clothes and ornaments. Of the rest of the property, the daughter gets one-fourth and the father three-fourths. Should there be younger daughters, partition should be made according to the customary rules of inheritance, having regard to the order in which they respectively come in the family.

The mode of partition between father and daughter is as fol- Vicchedant.  
lows:—

The daughter shall get all the clothes and ornaments given her by both parents, as well as all her mother's clothes and ornaments; she shall also get two pairs each of bullocks and buffaloes, ten cows, twenty she-goats, and one female slave. The father shall get the rest of the property

Two cases arise in the rule of partition of property between father and daughter, first when the father marries again, and secondly when he does not. In the second case the daughter shall get her mother's clothes and ornaments and one female slave. The father shall get all his personal belongings such as badges and insignia of rank, and the betel-box and goblet bearers. Of the rest of the property, the daughter gets one-fourth and the father three-fourths. Rājābala.

[The same as the first extract from Pyu.]

Sāṇḍa.

[The same as the second extract from Pyu.]

Ditto.

The mode of partition between father and daughter is as fol- Maṇu.  
lows:—

The father and daughter shall respectively get the same shares as in the case of partition between father and son. The daughter shall get in addition to that share her mother's clothes and ornaments, and one slave kitchen-maid.

The mode of partition between father and daughter is as fol- Pāpādi  
lows:—

The daughter shall get the property given her by both parents, her mother's clothes and ornaments, and one pair each of buffaloes and bullocks, ten cows, twenty she-goats, and one female slave. The father shall get the rest of the property.

The mode of partition, between father and daughter, of the ~~same~~ Dāṇḍa.  
~~same~~ slaves brought by the mother to her marriage is the same as

that, between mother and son, of the *santaka* slaves brought by the father to his marriage, *i.e.*, equally. (*Vide* under Pāṇam, section 30.)

Kungya-  
linga.

The mode of partition between the *orasa* daughter and father on the death of the mother is, *mutatis mutandis*, the same as that between mother and son on the death of the father. (*Vide* under Kungyalinga in section 30.)

Dayajja.

The mode of partition between father and daughter on the death of the mother is, *mutatis mutandis*, the same as that between mother and son on the death of the father as regards gold, silver, land, bullocks, buffaloes, &c. As regards *lettetpwa* slaves, *i.e.*, those bought out of property acquired jointly during marriage, the daughter shall first choose a slave kitchen-maid out of the female slaves. They shall then be divided between the father and daughter in the proportion of three to one. The father shall also get ten male slaves. If there are only male slaves the father should give some of them to the daughter. As regards hereditary slaves, equal division shall be made between parent and children.

Warulinga.

The mode of partition between father and daughter on the death of the mother is, *mutatis mutandis*, the same as that between mother and son on the death of the father. The daughter shall get in addition her clothes, ornaments and gold flowers, one female slave, and her mother's personal belongings, just as the son gets his father's personal belongings.

Dhagmasāra.

The mode of partition between father and daughter on the death of the mother is as follows —

The daughter shall get her mother's clothes and personal ornaments; and an equitable division shall be made of the female slaves. The father shall get the rest of the property. But partition may also be made between father and daughter in the proportion of three to one analogous to the rule of partition between father and son by which the son gets one share and the father three shares.

Amwobôn.

[The same as Manugyè.]

Cittara.

The mode of partition between father and *orasa* daughter on the death of the mother is, *mutatis mutandis*, the same as that between mother and son on the death of the father. (*Vide* under Cittara in section 30.)

Otte.

[Substantially the same as the above.]

Ketya.

The mode of partition between father and *orasa* daughter on the death of the mother is as follows:—

The daughter shall get her anklets, bracelets, ear-rings, belt, necklaces, &c., given her during the mother's lifetime, and by both

parents, these having become her separate property. She shall also get her mother's belt, necklaces, combs, finger-rings, ear-rings, bracelets, betel-box, cushions, and other personal ornaments. The ornaments worn by the daughter during the mother's lifetime shall go to her. The rest of the property such as gold, silver, copper, iron, slaves, buffaloes, bullocks, goats, pigs, fowls, ducks, paddy, rice, Indian-corn, millets, barley, sessamum, cotton, and household furniture shall be divided into four shares : the father shall get three shares and the daughter one share. The daughter shall also get one good female slave, one good milch cow, and one good milch goat. The above rule applies when the daughter is the eldest born. The younger daughters shall get their shares only on the death of both parents.

Why should the mother get three shares and the eldest child only one share? Because, the mother saves the property acquired by the father and thereby accumulates it at the early period of her wedded life, before the eldest child was born, and during the minority of the eldest child, before he or she could assist the parents the mother accumulates the property acquired by the father. The eldest child gets one share because he or she upholds the parent's position and rank, and continues the family. Having to bear the children, the mother has not the heart to make them work, nor can she see them suffer privation; she cherishes them and brings them up. Children lie under greater obligation to the mother than to the father. Hence the mother gets three shares and the son one share. Should the property enumerated above be exhausted by the mother for her sustenance or in performing works of merit, let it be so. The sons shall not also claim the residue of the property to which the mother alone is entitled.

The mode of partition between father and daughter on the death of the mother is as follows :—

Slaves, buffaloes, bullocks, anklets, bracelets, belt, finger-rings, ear-rings, and necklaces given her by both parents, become the daughter's separate property. She shall get an heirloom of her choice out of the mother's clothes and ornaments, and also one pair each of buffaloes, bullocks, and milch cows, twenty milch goats, and one slave kitchen-maid.

\* On the death of the mother, the daughter shall get the mother's inherited separate property. Any property separately acquired by the mother, by using the property given her by her husband as capital, shall be divided equally between father and daughter on the death of the mother. As to property acquired jointly by the

husband and wife, the survivor inherits on the death of either. The children get suitable shares.

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#### SECTION 34.

ON THE DEATH OF THE FATHER, YOUNGER CHILDREN ARE NOT ENTITLED TO PARTITION TILL THE DEATH OF THE SURVIVING PARENT

**Vilāsa.** Children, other than the eldest child, are entitled to partition of inheritance only when both parents are dead.

**Dhamma-**  
**thatkyaw,**  
1st, 2nd,  
3rd, and  
4th, ex-  
tracts.  
[Each substantially the same as Vilāsa.]

**Vaṇṇand.** [Substantially the same as Vilāsa.]

**Rāsi.** [Substantially the same as Vilāsa.]

**Manu.** The younger children are entitled to partition of the estate, excluding the deceased father's personal belongings, such as elephant, pony, clothes, ornaments, betel-box, sword, &c, only on the death of the mother. They cannot claim partition before the mother's death.

**Kungya-**  
**linga.**  
**Kyeto.**  
4.  
[Substantially the same as Vilāsa.]

[Substantially the same as Vilāsa.]

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#### SECTION 35.

ON THE DEATH OF THE MOTHER, YOUNGER CHILDREN ARE NOT ENTITLED TO PARTITION TILL THE DEATH OF THE SURVIVING PARENT.

[The extracts under this section are the same as those in section 34.]

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#### SECTION 36.

ON THE DEATH OF THE FATHER, PARTITION BETWEEN MOTHER AND DAUGHTER LIVING SEPARATELY.

**Vilāsa.** On the death of the father, the rule of partition between mother and daughter living separately is as follows :—

The daughter shall get the property such as gold, silver, cups, anklets, bracelets, belt, finger-rings, ear-rings, and gold flowers, given her by both parents when she was young, at the ceremony of placing her in the cradle, at that of naming her, and at her marriage.

She shall also get the presents made at her wedding, such as gold, silver, slaves, bullocks, buffaloes, paddy, and land, &c., as they were given her by both parents. Such property have become the daughter's separate property. She is also entitled to get the property, such as slaves, bullocks, grain &c., given her by the parents according to their means when she kept house separately. On the death of the father, the mother alone is entitled to all the property. The daughter living separately can get only what is given her by the mother through affection.

On the death of the mother the mode of partition between father *Vilāsa*. and children living separately is governed by the same rule as the above. It also applies when the father dies and partition is made between mother and children.

On the death of the father, the rule of partition between mother and eldest daughter, who lives apart from the parents, is as follows.— *Dharmathakya*.

The daughter shall get such property as necklaces, anklets, bracelets, ear-rings, hair-pins, gold, silver, and slaves, bullocks, buffaloes, lands, &c., given her by both parents when she was young, at the ceremony of placing her in the cradle, of first tying the hair into a knot, and at the time of her marriage. Such property have become her separate property. She shall also get the property given her when she set up a separate establishment. On the death of the father, the mother obtains all the property. Should it be exhausted by her on her maintenance or on that of herself and her subsequent husband, or in the performance of works of merit, let it be so: the children living with her are entitled to the residue, if there is any.

[Substantially the same as the first extract from *Vilāsa*.] *Vaṣṣaṇā*.

[Substantially the same as the first extract from *Vilāsa*.] *Rāsi*.

The daughter who lives separately from her parents, shall get the ornaments and property given her at her wedding by both parents during their lifetime. *Mānavaṣṣaṇā*.

On the death of the father, the daughter living separately from the parents shall get such property as ornaments and cups used in the performance of a ceremony, and given her by both parents at the time of performing it. She should be given a dowry commensurate with the means of the parents, when she is given in marriage and she leaves the parental roof with her husband.

[Substantially the same as *Vilāsa*.]

*Kṛtṭya*.

## SECTION 37.

## ON THE DEATH OF THE FATHER, PARTITION BETWEEN MOTHER AND SON LIVING SEPARATELY.

**Vilāsa.** On the death of the father, the rule of partition between mother and son living separately is the same as that between mother and daughter living separately. (*Vide* under Vilāsa, section 36.)

**Dhamma-thakya.** The share which the eldest son living separately gets on the death of the father is the same as that which the eldest daughter gets on such an occasion. (*Vide* section 36.)

**Rāsi.** [Substantially the same as Vilāsa.]

**Kyetya.** [Substantially the same as Vilāsa.]

## SECTION 38.

## ON THE DEATH OF THE FATHER, PARTITION BETWEEN MOTHER AND DAUGHTER LIVING TOGETHER.

**Vilāsa.** On the death of the father, the mother gets the whole estate. The daughters living with the mother shall not get any thing while the mother is still living. Although they are the offspring of the father, yet being of womankind, the mother still controls the estate. The mother has the right of use of the estate for life for the maintenance of herself, or of herself and her subsequent husband, or in performing works of merit. The daughter living with her has the right to inherit the residue of the estate.

**Vaggonā.** [Substantially the same as Vilāsa.]

**Rāsi.** [Substantially the same as Vilāsa.]

**Pāpā.** The daughter living with the mother shall inherit the estate on the death of the mother. She has no right to protest should the estate be exhausted by the mother during her lifetime in the maintenance of herself and her subsequent husband.

**Kyetya.** [Substantially the same as Vilāsa.]

## SECTION 39.

## ON THE DEATH OF THE FATHER, PARTITION BETWEEN MOTHER AND SON LIVING TOGETHER.

**Vilāsa.** The rules of partition on the death of the father between mother and son, first when living together, and secondly when living

separately, are, *mutatis mutandis*, respectively the same as those between mother and daughter, first when living together, and secondly when living separately. (*Vide* under Vilāsa in sections 36 and 38.)

[The same as in section 38.]

Vannanā.

[NOTE.—The extract should not find a place here. Extract (O) under Vannanā, page 141 of the text, should have been given here. The meaning of extract (O) is substantially the same as Vilāsa.]

[Substantially the same as Vilāsa.]

Rāsi.

[Substantially the same as Vilāsa.]

Kyetyo.

#### SECTION 40.

##### ON THE DEATH OF THE MOTHER, PARTITION BETWEEN FATHER AND DAUGHTER LIVING SEPARATELY.

The rules of partition on the death of the mother between father Vilāsa. and children first when they live together, and secondly when they live separately, are, *mutatis mutandis*, respectively the same as those between mother and children on the death of the father, first when they live together, and secondly when they live separately. The same rule applies to partition between father and children on the death of the mother, as well as to partition between mother and children on the death of the father.

The rule of partition on the death of the mother between father Dham ma- and eldest child living separately is, *mutatis mutandis*, the same thatkyaw. as that between mother and eldest child living separately.

The rules of partition on the death of the mother between father Kyetyo. and daughter, first when living together, and secondly when living separately, are, *mutatis mutandis*, respectively the same as those between mother and daughter, first when living together, and secondly when living separately.

#### SECTION 41.

##### ON THE DEATH OF THE MOTHER, PARTITION BETWEEN FATHER AND SON LIVING SEPARATELY.

[Substantially the same as in section 40.]

Vilāsa.

[Substantially the same as in section 40.]

Dham ma-  
thatkyaw.

The rule of partition on the death of the mother between father Vannanā. and son living separately is, *mutatis mutandis*, the same as that

between mother and daughter living separately. (*Vide* under Vilāsa, section 36)

**Rāsi.** The rules of partition on the death of the mother between father and children, first when they live together, and secondly when they live separately, are, *mutatis mutandis*, respectively the same as those, between mother and daughter on the death of the father, first when they live together, and secondly when they live separately (*Vide* sections 36 and 38.)

**Pānam.** The rule of partition on the death of the mother between father and son is, *mutatis mutandis*, the same as that between mother and daughter on the death of the father

**Kyetyo.** The rules of partition on the death of the mother between father and children first when living together, and secondly when living separately, are, *mutatis mutandis*, respectively the same as those between mother and daughter, first when living together, and secondly when living separately. (*Vide* sections 36 and 38)

#### SECTION 42

ON THE DEATH OF THE MOTHER, PARTITION BETWEEN FATHER AND DAUGHTER LIVING TOGETHER.

**Vilāsa.** [The same as in section 40.]

**Vanpanā.** The rule of partition on the death of the mother between father and children living together is, *mutatis mutandis*, the same as that between mother and daughter living together. (*Vide* section 38)

**Kyetyo.** [Already given in section 41]

#### SECTION 43

ON THE DEATH OF THE MOTHER, PARTITION BETWEEN FATHER AND SON LIVING TOGETHER.

**Vilāsa.** [The same as in section 40.]

**Vanpanā.** [The same as in section 42.]

**Rāsi.** [The same as in section 41.]

**Kyetyo.** [Included under Kyetyo in section 41.]

#### SECTION 44.

ON THE DEATH OF THE FATHER, PARTITION BETWEEN MOTHER AND CHILDREN, THE MOTHER WISHING TO RE-MARRY.

**Varathat.** After the death of either parent, and on the survivor marrying again, the eldest child shall get one-fourth of the estate, which shall

not include the clothes and ornaments of the surviving parent ; and the younger children shall get their respective shares on the death of the surviving parent.

Although the above is the statement of the law in the Dhammathats, yet as the surviving parent has not remained single, controlling the children as he or she ought to do, the younger children should be given half the deceased parent's share ; should the rest of the property be exhausted by the surviving parent in the support of himself or herself and the step-parent, let it be so.

If the mother marries again on the death of the father, all Dhamma. his clothes and ornaments shall be divided into four shares : one share shall be given to the eldest daughter and three shares to the mother, who shall also get the house

On the mother marrying again after the death of the father, the Manugyè. latter's clothes and ornaments shall be divided into four shares : the eldest daughter shall get one share and the mother and younger daughters the remainder. The mother shall also get the house. The eldest daughter's share, including animate and inanimate property, shall be publicly made known and kept in the custody of the mother.

When the mother marries again after the death of the father, she Rājabala. shall get the house.

The rule of partition between mother and daughter, on the former Dāta. marrying again after the death of the latter's father is as follows :—

Partition shall first be made between mother and daughter as if the former has not married again. Then after the daughter has taken her share, let the remainder of the property be divided into four shares and let the daughter have one share. The mother shall get the remainder together with the house, her personal belongings, clothes, and ornaments.

When the mother marries again after the death of the father, Manu. all the latter's clothes and ornaments shall be divided into four shares : the daughter shall get one share and the mother the rest, as well as the house.

Children can claim partition of inheritance when, after the death Pānana. of the father, the mother marries again.

When, after the death of either parent, the survivor marries Kengya-linga. again, the rule of partition between the surviving parent and the children is as follows :—leaving aside the clothes and ornaments

of the surviving parent, the rest of the property shall be divided into four shares : the surviving parent shall get three shares and the children one share.

**Dhamma-sāra.**

When, after the death of either parent, the survivor marries again, the estate shall be divided into four shares : the surviving parent shall get three shares and the children one share.

**Amwebôn.**

[The same as Manugyè.]

**Cittara.**

When, after the death of the father, the mother marries again, the rule of partition between her and the children is as follows :—

Her clothes and ornaments, as well as property intended to be spent on works of charity shall not be subject to division, but shall be kept apart. The rest of the property shall be divided into four shares : the mother shall get three shares and the children one share.

**Kyatyô.**

When, after the death of the father, the mother marries again, the rule of partition between her and the eldest son is as follows :—

If the son, in addition to his being the eldest born, is competent to assume the duties and responsibilities of his father, is known to the local authorities, and able to carry on the parents' business, and if he helps in the acquisition of property, he shall get his father's elephant, pony, sword, betel-box, cups for drinking and eating ; goblet, betel-box, and ornament bearers ; his office, and lands held as emolument of it, and other accessories and appendages appertaining thereto. The mother shall get the gold flowers and hair-pins worn during the father's lifetime, and her belt, necklaces, combs, finger-rings, earrings, betel-box, cushion, and other ornaments given her by the father during his lifetime. The rest of the property, such as gold, silver, slaves, elephant, pony, bullocks, buffaloes, goats, pigs, fowls, ducks, specie, clothes, seed-grain, such as paddy, rice, Indian-corn, peas, millets, barley, and sessamum shall be divided into four shares : the mother shall get three shares and the son one share, although there may be ten sons. The male slaves shall be divided similarly. The mother shall get all the female slaves ; but should there be no male slaves, the mother ought to give a few of the female slaves to the son. Another rule says that the son's share shall be kept in the custody of the mother.

**Kyama.**

After the death of the husband, the wife should, before contracting another marriage, make over her deceased husband's clothes and ornaments to his son. Then only can the affection between husband and wife become apparent.

SECTION 45.

ON THE DEATH OF THE MOTHER, PARTITION BETWEEN FATHER AND CHILDREN, THE FATHER WISHING TO REMARRY.

[The same as in section 44 ]

Yazathat.

When, after the death of the mother, the father marries again, the rule of partition between father and eldest son is as follows :—

The father shall get his elephant, pony, clothes and ornaments, sword, drinking-cup, and betel-box and goblet bearers. The mother's clothes and ornaments and such other property used exclusively by women shall be divided into four shares : one share shall be given to the son and the remaining three shares to the father. The rest of the property shall also be divided into four shares, and the father shall receive three shares. He shall get the house also.

When partition is made between father and daughter after the father has married again, the whole of the property shall be divided into four shares, and the father shall get three of them. He shall get the house also.

The rule of partition between father and son, when, after the death of the mother, the father marries again, is as follows :—

The father shall get his elephant, pony, clothes, ornaments, sword, drinking-cups, and betel-box and goblet bearers. If there is no eldest son, partition of the rest of the property shall be made according to the rule already laid down. If there is one, the mother's clothes and ornaments and such other property used exclusively by women shall be divided into four shares, and one share shall be given to the eldest son. The rest of the property shall also be divided into four shares, and three shares shall be given to the father, who gets the house also. If, on account of his minority, the son lives with his father and step-mother, his share shall be publicly made known and kept in the custody of the father.

If partition is made between father and daughter, on the father marrying again after the death of the mother, the estate shall be divided into four shares : the daughter shall get one share and the father three shares. The daughter gets the mother's ornaments and the female slaves, while the father gets the house. The daughter's share shall be publicly declared and kept in the custody of the parents.

The rule of partition between father and son when, after the death of the mother, the father marries again, is as follows :—

The son shall receive the same share as when the father does not marry again. The father shall however get the house and his personal belongings, such as clothes, ornaments, badges and insignia of rank, and betel-box and goblet bearers. The mother's personal belongings, such as clothes, ornaments, &c., and the rest of the property, animate and inanimate, shall be divided into four shares: the son shall get one share and the father three shares.

**Rājabala.** The difference in the respective shares of the father and son in the event of partition being made between them when, on the death of the mother, the father marries again and when he does not is that in the former case, the father gets the house as his separate share.

**Manu.** When the father marries again after the death of the mother, he shall get his elephant, pony, clothes, ornaments, sword, spear bearer, and betel-box bearer. The mother's clothes and ornaments shall be divided into four shares: the eldest son shall get one share and the father and younger sons the remaining shares as well as the house. The share of the son shall be publicly made known and the son, father, and step-mother shall live together peaceably and amicably.

**Ditto.** If the estate is exhausted by the father before division is made, the daughter shall say nothing. The daughter shall get anything that may be left unexhausted, together with the slaves. The above rule is with reference to partition between father and daughter on the former marrying again after the death of the mother.

**Pāpañ.** When, after the death of the mother, the father marries again the children have a right to claim partition of inheritance.

**Kungya-linga.** [The same as in section 44.]

**Ditto.** After the death of either parent, should the survivor again enter into matrimony, instead of continuing to control the children and watching over their welfare, they are entitled to half the share of the deceased parent.

**Dhamma-sūtra.** [The same as in section 44.]

**Amwebôn.** [The same as the first extract from Manugyè.]

**Ditto.** [The same as the second extract from Manugyè.]

**Kyannet.** After the death of the wife, the husband shall, before contracting another marriage, make over his deceased wife's clothes and ornaments to her daughter. Then only can the affection between husband and wife become apparent,

SECTION 46.

RIGHT OF CHILDREN TO PARTITION ON THE DEATH OF THE FATHER, ALTHOUGH THE MOTHER MAY NOT RE-MARRY.

After the death of either parent, if the survivor contracts another <sup>Pyu</sup> marriage, the children have a right to claim partition of inheritance, but not otherwise

After the death of the husband, the wife shall not say to her <sup>Vilasa.</sup> children that partition shall be made only on her death. The children shall have their inheritance, although she may not marry again

After the death of the father, although the mother may not marry <sup>Vannanā.</sup> again she shall not saying that they should wait till her death, refuse partition of inheritance if it is claimed by the children. Partition of the estate should be made according to the rules already laid down, after having set aside the mother's wedding presents, clothes, and ornaments, the household furniture, and also a portion of the property to liquidate debts, to perform contemplated works of merit, and to defray funeral expenses on her death

After the death of the husband, although the wife may not <sup>Rāst.</sup> marry again, she shall not saying that they should wait till her death, refuse partition of inheritance if it is claimed by their children. Keeping apart the children's separate property and a portion of the estate for the liquidation of debts, for the performance of contemplated works of merit, and for the purpose of defraying funeral expenses on the death of the mother, the rest shall be divided into four shares the mother shall get three shares and the children one share. They shall get the whole estate when the mother dies

[The same as Pyu]

Sōda.

SECTION 47.

CHILDREN MAY NOT CLAIM PARTITION ON THE DEATH OF THE MOTHER, THE FATHER NOT RE-MARRYING.

[The same as in section 46]

Pyu.

[The same as in section 46.]

Sōda.

SECTION 48.

YOUNGER CHILDREN MAY NOT CLAIM PARTITION FROM THE MOTHER ON THE DEATH OF THE FATHER AND ELDEST SON.

On the death of the father and sons, the mother alone is entitled <sup>Mang.</sup> to all the property.

- Mano.** [Substantially the same as the above.]
- Kaingsa.** [The same as the first extract from Mano.]
- Kandaw.** [Substantially the same as the first extract from Mano.]
- Tejo.** [The same as the first extract from Mano.]
- Vanna-dhamma.** [The same as the first extract from Mano.]

**Manu vannā.** On the death of the father and eldest son, the mother shall get all the property and pay all the debts. She shall lay aside a portion of the property for the performance of contemplated works of merit; and when there are unmarried sons, she shall also lay by a sufficient portion to defray the expenses to be incurred in the ceremony of washing the head. Over the rest of the property she has merely the right of use.

**Pāṇam.** On the death of father and eldest son, the mother alone is entitled to all the property.

## CHAPTER VII.

DUTIES OF CO-HEIRS TOWARDS ONE ANOTHER; PORTION OF INHERITANCE TO BE RESERVED AT THE TIME OF PARTITION; PERIOD OF LIMITATION IN CLAIMING INHERITANCE; AND NATURE OF *THINTHI* OR SEPARATE PROPERTY.

### SECTION 49.

DUTIES OF THE ELDEST CHILD AND THE YOUNGER CHILDREN TOWARDS EACH OTHER AFTER THE DEATH OF BOTH PARENTS.

- Mano.** After getting his share of the inheritance, the eldest son shall look after his younger brothers and sisters as a father would, while they in their turn shall respect and obey their eldest brother as they would their father.
- Pyu.** The eldest brother and sister shall look after their younger brothers and sisters as the parents would. The younger brothers and sisters shall, in their turn, obey their eldest brother and sister.
- Vilāsa.** After partition of inheritance, the younger brothers and sisters shall respect and obey their eldest brother as they would their father, and the eldest sister as they would their mother.
- Kaingsa.** [The same as Mano.]
- Myingun.** After partition of inheritance among a number of unmarried children, on the death of both parents, the eldest among them shall

be a parent to the younger ones, looking after them and getting them properly married and settled in life

The younger brothers and sisters shall regard and obey the eldest brother as a father, and their eldest sister as a mother, after the latter two have been given their portion of the inheritance as being the eldest children. Dhamma-  
thatkyaw.

After getting his share of the inheritance, the eldest son shall look after his younger brothers and sisters as if they were his children, while they in their turn, shall respect and obey him as they would their father Kandaw.

[The same as Kaingza.]

Tejo.

[Substantially the same as Mano]

Vannadhamma.

The younger brothers and sisters shall respect and obey their eldest brother and sister as they would their parents Vannana.

[Substantially the same as Vilasa]

Rasi.

Among co-heirs, the eldest brother shall look after his younger brothers as a father would, while they, in their turn shall regard and obey him as a father. Ditto.

Although partition of inheritance has been made, the eldest brother shall look after his youngest brother, who shall, in his turn, regard and obey the eldest brother as a father. Manuvannana.

[The same as Pyu.]

Sonda.

[Substantially the same as Manuvannana.]

Manu.

After division of inheritance the eldest brother shall look after his younger brothers. Paparh.

[Substantially the same as Kandaw.]

Cittara.

When partition of inheritance is made among co-heirs, the younger brothers and sisters shall regard and obey their eldest brother as a father, and their eldest sister as a mother. Kyetya.

## SECTION 50.

### RESERVATION, ON PARTITION, OF A PORTION OF INHERITANCE FOR WORKS OF MERIT.

When there are unmarried sons, a portion of the property should be reserved, at the time of partition, to defray the expenses to be Manu.

incurred at the head-washing ceremony, to give them a fair start in life, and for the performance of works of merit.

**Mano.**

When partition of inheritance is made among children of the same parents after the death of the latter, a portion should be reserved for the dowry of the younger children of the family. Another portion should be reserved for the performance of works of merit.

**Mānussika.**

Partition of the undivided heritable estate should be made after reserving a portion of it for works of merit, and another portion for unmarried co-heirs.

**Ditto.**

When partition of the inheritance is to be made, a portion of the estate should be reserved for the parents' works of merit. Debts should be liquidated out of the estate. If there are unmarried co-heirs, another portion should be reserved to defray the expenses to be incurred at the ceremony of head-washing. If partition is made without reserving such portions, the co-heirs shall be punished criminally.

**Ditto.**

When partition is made, the personal ornaments of the sisters, and works of public utility such as rest-houses, shall not be subject to division.

**Pyu.**

When partition is made after the death of the parents, a portion of the estate should be reserved for the dowry of unmarried co-heirs, and another for the liquidation of debts.

**Vilāsa.**

Partition of inheritance should be made after reserving a portion of the estate for the liquidation of debts, and after setting aside also the property already intended to be spent on works of merit.

**Ditto.**

How should partition be made (after the death of the father)? A portion of the estate should be reserved for the dowry of the daughter. Her bracelets, necklaces, finger-rings, ear-rings, combs, ornaments for the head, belt, &c, given her during the father's lifetime, should be set apart. Portions of the estate should be reserved to liquidate debts contracted by the mother, and to defray the funeral expenses on her death; the amount intended by the father to be spent on works of merit, such as monasteries and pagodas, should be left untouched.

**Kaingsa.**

When partition is about to be made, portions of the estate should be reserved for the following purposes :—to liquidate debts, to defray the expenses to be incurred in the ceremony of head-washing of unmarried co-heirs, if there are any, and to perform works of merit.

When partition of inheritance is about to be made, portions of the estate should be reserved for the following purposes :—to liquidate debts, to meet the dowry of unmarried co-heirs, if there are any, and to perform works of merit. Myingun.

Before partition of inheritance, the liabilities of the parents should be discharged. If there is no property for the liquidation of debts, those of the co-heirs who can afford to wait shall defer taking their shares. The other co-heirs shall see that those who so wait are in comfortable circumstances, and shall try and discharge the liability. A portion of the estate should also be set apart for the performance of works of merit on behalf of the parents. Dhamma-thatkyaw.

Partition of inheritance should be made after reserving a portion of the estate for the performance of works of merit on behalf of the parents. Manugyè.

[Substantially the same as Kaingza.] Kandaw.

[The same as Kaingza.] Tejo.

[The same as Kaingza.] V a n n a - dhamma.

[Substantially the same as the first extract from Vilāsa.] Vañṇanā.

[Substantially the same as Myingun.] Manuyin.

[Substantially the same as the first extract from Vilāsa.] Rāsi.

When partition of inheritance is made, portions of the estate should be reserved for the following purposes —for the liquidation of debts contracted by the parents and heirs, for the expenses to be incurred at the ceremony of head-washing of unmarried co-heirs, if there are any, and for the performance of works of merit on behalf of the parents. Ditto.

Before partition of inheritance, portions of the estate should be reserved to perform works of merit, to liquidate debts, and to defray the marriage expenses of unmarried co-heirs. Vicchedani.

Before partition of the estate is made a portion of it should, in the first place, be reserved for the performance of works of merit on behalf of the parents. Rājabala.

[The same as Pyu.] Sōnda.

When partition of inheritance is made, fair portions of the estate should be reserved to liquidate debts, to perform works of merit, and to defray the marriage expenses of younger members of the family. Pāpam.

**Kungya-linga.** When partition of inheritance is about to be made, portions of the estate should be reserved to liquidate debts and to perform works of merit.

**Amwebôn.** [The same as Manugyè.]

**Cittara.** [Substantially the same as the first extract from Vilâsa.]

**Kyetyo.** [Substantially the same as the first extract from Vilâsa.]

**Kyannet.** In partition of inheritance the property of the slave concubine and that entrusted by the relatives should be kept apart. If there are unmarried co-heirs, one-fourth of the share of each co-heir should be reserved for the marriage expenses. Portions of the estate should also be reserved to liquidate debts and to perform works of merit. A co-heir who misappropriates the portion reserved for the performance of works of merit shall be criminally punished.

**Ditto.** After the death of the husband, the wife should reserve portions of the estate to defray the marriage expenses of her daughter, to liquidate debts, and to perform works of merit.

## SECTION 51.

### PERIOD OF LIMITATION IN CLAIMING INHERITANCE.

**Kaingza.** A person must claim his share in the estate of his parents or ancestors, specifying the share, within seven or thirty days (after the burial of the parents). If the claimant is resident in a distant place, the claim may be made within three months. No claim shall be preferred after the lapse of the periods specified.

**Maungyè.** Partition of inheritance should be made within seven days or within a month after the obsequies of the parents are over, when shares according to the customary rules of inheritance shall be allotted to heirs present as well as those absent at the time. If one of the heirs who has not been informed of the partition appears and claims his or her share, it shall be given him or her. If an absent heir who has been informed of the partition does not appear within a reasonable time which must be determined according to circumstances, but prefers a claim after the lapse of ten years from that time, such claimant shall forfeit his or her right, even if he or she is one or other of the three classes of children, namely, *orasa*, *kittima*, and *hetthima*, which belong to the six classes of children who are entitled to inherit. If the absent heir dies before ten years have elapsed, and if his or her family claim the share of the inheritance, they shall get it. The same rule should be followed

in the liquidation of debts. A wise judge should, however, also exercise his own discretion in order to give satisfaction to all parties.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

Vaṇṇa-  
dhamma.  
Rāsl.

[Substantially the same as Kaingza.]

Maṇu-  
vaṇṇanā.

[Substantially the same as Kaingza.]

Rājabala.

If an heir, present at the time of partition of inheritance, relinquishes his or her portion, he or she shall never afterwards get it. If an absent heir fails to come and take his or her share, though invited to do so, he or she shall forfeit the right to claim it after the lapse of ten years. The above rule does not apply when the distance is very great and the journey difficult. Claims for partition of inheritance shall be preferred within seven days (after the burial of the parents). If the heir is resident in a not very distant place, claim shall be made within a month; if resident in a more distant place, within three months, and if still more distant, within a year.

Partition of inheritance shall be made within seven days from the death of the parents. The share of heirs resident at a distant place, or of those whose whereabouts are not known, shall be reserved. If an absent heir fails to appear and claim his or her share within ten years, notwithstanding the fact that he or she has received intimation of the partition, and that the journey is not very tedious or difficult, he or she shall forfeit the right to claim it thereafter. If an absent heir dies, the family of such heir may, within ten years, prefer a claim to the share of the deceased.

[Substantially the same as Kaingza.]

Pāpaṇ.

When partition of inheritance is made after seven, ten, or thirty days, and the absent heirs who have received intimation do not arrive owing to distance and difficulties of journey, their shares shall be reserved. If a claim to the shares so reserved is preferred after the lapse of ten years, the heirs shall not get the gold and silver portion of the shares. But as regards lands, ponies, and cattle, or their young down to the third brood, the descendants of the heirs down to the third generation can prefer a claim, provided the property which constitutes the share is still existing.

Claim for a share of the inheritance shall be made within seven or thirty days. If an heir is resident in a distant place, his or her share may be claimed within a year. If the period of limitation is exceeded, the heir forfeits the right to claim it.

Dhamma-  
sāra.

Amwebôn.

[The same as Manugyè.]

Cittara.

[Substantially the same as Kandaw.]

Ditto.

If an heir resides in a distant place, having been expelled from the family, intimation of the partition of inheritance shall be given to such heir, who shall forfeit his or her share if he or she claims it after the lapse of ten years, the distance not being very great and the journey not being very difficult. Debts shall be liquidated by the recipients of shares.

## SECTION 52.

## PERIOD OF LIMITATION IN CLAIMING POSSESSION OF DIVIDED PROPERTY.

Kaingza.

If an heir, after becoming cognizant of his or her share of inheritance, and saying that certain slaves and certain property are his or hers, and that he or she has documentary evidence to uphold the statement, fails to claim possession of them within three, ten, or thirty days from the date of his or her making such statement, according to the distance at which such heir is resident, or within a year if such heir is resident in a very distant place, he or she shall not get the property. Even if the slaves who constitute the share of the negligent heir come to him or her voluntarily, he or she cannot retain them. The claim abates and cannot be admitted by the judges, being barred by limitation.

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Râsi.

[Substantially the same as Kaingza.]

anu-  
vannânâ.

If a man says that certain slaves and certain property are his and that he has documentary evidence in proof of his ownership, he shall, if he desires to obtain possession of them, produce his documents and claim them within three, ten, or thirty days from the date of his saying so, according to the distance at which he is resident. After the periods specified he shall be debarred from producing his documents and basing his claim thereon. If he is away in a very distant place, he may either claim the property or produce his documents within one year from the date of his making the above statement. After the expiration of that period he may neither claim the property nor produce the documents which become null and void.

The above rule refers to distant by related heirs.

[Substantially the same as Kaingza.]

Papañ.

Restoration of property entrusted to another shall be claimed within three, ten, or thirty days from the execution of the deed, according to the distance at which the owner is resident. If he is resident at a great distance, the claim may be made within a year. After the lapse of the specified periods of limitation the owner cannot claim restoration if any of the property is lost in the hands of his relatives. He shall get what remains.

Dhamma-  
sāra.

### SECTION 53.

POWER OF COURTS TO COMPEL PAYMENT OF SHARE OF INHERITANCE TO ONE LEFT OUT IN THE PARTITION.

If any heir is kept out of any share of inheritance, the ministers or other officers should admonish the co-heirs and cause a share of the inheritance to be given to the heir left out in the partition.

[The same as Mano.]

Kaingza.

[Substantially the same as Mano]

Kandaw.

[The same as Mano.]

Vappa-  
dhamma.

[Substantially the same as Mano.]

Rāsi.

[Substantially the same as Mano.]

Manu-  
vappanā.

### SECTION 54.

DIFFERENT KINDS OF *THINTHI* OR SEPARATE PROPERTY.

The twelve kinds of *thinthi* or separate property of children mentioned in the various Dhammathats are as follows :—

- (1) gift made at the ceremony of placing a new-born infant in the cradle ;
- (2) gift made at the ceremony of shaving a child's head ;
- (3) gift made at the ceremony of ear-boring ;
- (4) gift made during illness ;
- (5) gift made at the time of marriage ;
- (6) gift made at the time of entering the Order as a novice ;
- (7) gift of personal ornaments such as anklets, bracelets, ear-rings, necklaces, &c. ;
- (8) property appropriated by children without permission on their leaving the parental roof ;
- (9) gift made by grandparents ;
- (10) gift made by strangers through affection ;

Manugyā.

- (11) property acquired by one's own skill ; and
- (12) rewards granted by kings.

Pāpaṇ. [Substantially the same as Manugyè.]

Kungya-linga. [Substantially the same as Manugyè]

Dāyajja. [Substantially the same as Manugyè]

Dhamma-sāra. There are twelve kinds of *thinthi* or separate property, which must not be included in the partition of inheritance, namely,—

- (1) gift made at the ceremony of placing a new-born infant in the cradle ;
- (2) gift made at the ceremony of shaving a child's head ;
- (3) gift made at the ceremony of ear-boring ,
- (4) gift made during illness ;
- (5) gift made at the time of marriage ,
- (6) gift made by strangers through affection ,
- (7) property acquired by one's own effort ;
- (8) gifts made by grandparents.

[The four remaining kinds of *thinthi* are not enumerated.]

Anwebōn. [The same as Manugyè]

Cittara. [Substantially the same as Manugyè]

Shinthapa. The following are the *thinthi* or separate property of children, namely,—

- (1) gift made at the ceremony of placing a new-born infant in the cradle ;
- (2) gift made at the ceremony of shaving a child's head ;
- (3) gift made at the ceremony of ear-boring ,
- (4) gift made at the time of marriage ;
- (5) gift made during illness ;
- (6) gift made at the time of entering the Order either as novice or monk ;
- (7) personal ornaments such as anklets, bracelets, ear-rings, necklaces, hair-pins, &c. ;
- (8) property taken away by children on leaving the parental roof ;
- (9) property acquired by one's own skill ;
- (10) gift made by strangers through affection ;
- (11) gift made by elder relatives accompanied by delivery of possession ;
- (12) gifts made by grandparents ;
- (13) rewards granted by kings ;

- (14) property acquired by gambling ;
- (15) compensation obtained for insult or slander ;
- (16) compensation obtained for assault ;
- (17) compensation obtained for adultery ; and
- (18) property found ownerless.

Although the aforesaid different classes of property are denominated *thinthi*, yet judges should exercise discretion in deciding whether the possession of them shall be absolute or not after carefully consulting and referring to the various Dhammathats, Yazathats, royal decrees, and rulings of other judges, and taking into consideration the four circumstances affecting all human affairs, namely, time and place, rank and wealth.

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SECTION 55.

THE TWO AND THREE KINDS OF PARENTAL GIFTS TO CHILDREN.

Of gifts, some there are which are valid and others which are not, *Vilāsa*. while at the same time there are cases in which property may become vested in children without its being given them by parents.

[Substantially the same as *Vilāsa*.]

Dhamma-  
thatkyaw,  
Vaṇṇanā.

[Substantially the same as *Vilāsa*.]

Property may become vested in one, although it has not been given. A gift, though made, might not take effect.

[Substantially the same as *Vilāsa*.]

Rāsi.

Gifts made by parents to children are of two kinds, those which are valid and those which are not. A third case is where property may become vested in the children, although it has not been given them by the parents.

Maṇu-  
vaṇṇanā.

[Substantially the same as *Vilāsa*.]

Kyetyo.

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SECTION 56.

CHILDREN SOLD CANNOT BE SAID TO FAIL IN FILIAL DUTY.

Children sold by parents when young, cannot be said to fail in filial duty. The duty to support parents becomes optional in such children.

[Substantially the same as *Vilāsa*.]

Myingun.

[Substantially the same as *Vilāsa*.]

Dhamma-  
thatkyaw.

Vannanā. [Substantially the same as Vilāsa.]

Rāśi. [Substantially the same as Vilāsa.]

Manu -  
vannanā. If children were sold when they were young, they cannot be compelled to support their parents. Still if they are well stationed in life, they ought to support their parents, as the latter's kindness towards them is very great.

Pāpam. [Substantially the same as Vilāsa.]

Cittara. [Substantially the same as Vilāsa.]

Dīto. The duty to support parents becomes optional in children who were sold by their parents when young. Still if they desire merit in future existences, they ought, when placed in favourable circumstances, to support their parents whose kindness is very great.

Kyetyo. [Substantially the same as Vilāsa.]

## SECTION 57

### RIGHT TO INHERITANCE OF CHILDREN OF THE SAME PARENTS.

Manu. Children of the same parents are entitled to inherit without distinction.

During the cycle when Dipankarā was the Buddha, a woman first gave birth to two sons, then a daughter, and lastly a snake. After the death of the parents, the children partitioned the property, when the snake made its appearance and coiled itself over the property divided into three shares. This reached the king's ears and he caused the property to be divided into four shares. The snake then, having added its share to that of the sister, went away.

Wise men, knowing the above precedent, have accordingly enumerated the seven kinds of inheritance.

Mānussika. The rule of partition of inheritance is that no distinction is to be made among heirs of the same parents and no one is to be left out in the partition. The following is the precedent :—

During the cycle when Dipankarā was the Buddha, the wife of a rich man at Benares first gave birth to three sons, then a daughter, and lastly a snake, which was kept in a pot buried under the ground. After the death of the parents, the children partitioned the property, dividing it into four shares. The snake then came and coiled itself over the property. When the king of Benares heard of it, he made enquiries and was informed of the fact of the snake being born of the woman. The king told the children to

divide the property into five shares as the snake was also one of the heirs. They did so; and the snake went away after adding its share to that of the sister. This circumstance of a woman having given birth to a snake became generally known.

Once upon a time, a woman at Benares first gave birth to two Pṛa-  
sons, then a snake, which the parents kept in a pit not far from the garden as they had not the heart to kill it, and lastly a daughter. After the death of the parents, the children partitioned the property, dividing it into three shares. The snake then came, mixed up the shares, and coiled itself over the property. The circumstance was reported to the king, who asked the children the facts of the case. The children related the truth. As the snake was one of the co-heirs, the king divided the property into four shares. The snake, having added its share to that of the sister, went away.

Thus although a lower animal a co-heir is entitled to an equal share. Therefore children of the same parents shall divide the property equally.

Manu, the Rishi, says that a co-heir who is dumb, deaf, blind, Viṭasa.  
insane, affected with leprosy, or deformed, or a hermaphrodite, or expelled from the family, or one who stammers, shall not have an equal share with the other co-heirs but shall be given only sufficient property to maintain them. While other jurists say that a co-heir is entitled to equal division even if he be one of the lower animals. The following is the precedent quoted by the latter:—

In ancient times, during the cycle when Dīpankarā was the Bud-  
dha, the wife of a rich man at Benares first gave birth to five sons, then a daughter, and lastly a snake. The parents gave out that the last child had died, being ashamed to own that a snake was given birth to. Not having, however, the heart to kill it, being their offspring, they kept it in a pit near the compound. In course of time the snake grew to about the size of the stock of a harrow (about 6 to 9 inches in diameter); and the parents also died. Their property was then partitioned by the eldest son who divided it into six shares. The snake came and mixed up the six shares with its tail. The eldest son went to the king of Benares and reported the circumstance and the facts of the case. The king then told the children that as the snake was one of their parents' offspring a share should be allotted to it. The property was accordingly divided into seven shares, and the snake, having added its share to that of the sister, went back to its place. Though a lower animal, the snake, being an offspring of the same parents, was entitled to share the inheritance equally with the other co-heirs. Therefore children of

the same parents should, without making any distinction, share the parental estate equally.

**Kaingza.**

[The same as Mano]

**Yazathat.**

In ancient times, the wife of a man at Benares gave birth to a snake. The parents allowed it to go into the jungles. After the death of the parents, the heirs partitioned the property, when the snake made its appearance and coiled itself over the property. The heirs not knowing the cause were much frightened. The wise elders of the village thought that the parents of the heirs must have given birth to a snake, that it was the very same one, and that it must have come in order to share in the inheritance. They said they could test their conjecture by allotting the due share to it. The five heirs accordingly divided the property into six shares and took the five for themselves. The snake then collected its share, gave it to the youngest sister and went back. Based on that story it is said that children are entitled to inherit the estate of their parents even if they are lower animals

**Myingun.**

All children of the same parents are entitled to the parental estate. The main point is the disposition of the shares according to the qualifications of the children

[Here follows the same story as in Mano.]

**Dhamma-  
thatkyaw.**

Children of the same parents are entitled to a share of the parental estate according to their deserts, even if some be base-born in consequence of their demerit in past existences.

[Here follows the same story as in Vilāsa.]

**Manugyē.**

One rule of partition says that if one of the children born of a couple who were duly wedded by their parents is a hermaphrodite or is deformed, such child shall get only sufficient property to maintain himself or herself. While another rule says that all children of the same parents are entitled to equal shares.

[The story related here in support of the latter rule is in substance the same as that in Vilāsa.]

Therefore if born of the same parents, even a snake may inherit and get an equal share with the other children.

A third rule is, says Rishi Manu, that discretion should be used in the allotment of shares according to the ability and qualifications of the children.

**Kandaw.**

[Substantially the same as Mano.]

**Tejo.**

[The same as Kaingza and Mano.]

**Vappa-  
dhamma.**

[The same as Mano.]

In partition of inheritance no distinction shall be made among Vappanā children of the same parents, between those born well proportioned and those born deformed. There is a precedent to show that even a snake born of human parents shares in the parental estate with the other children.

[Substantially the same as Vappanā.]

Manuṣya.

Even a snake got a share of the inheritance being born of the same parents. Therefore children of the same parents are entitled to share the parental estate without any distinction. The points to be considered are the ability and qualifications of the children in the allotment of shares.

Some jurists say that children of the same parents are entitled to Dīta equal division even if one of them, in consequence of past misdeeds, is a lower animal.

[The story which follows as a precedent is substantially the same as that in Vilāsa.]

Some of the compilers of Dhammathats say that even an animal Dīta shares in the parental estate with co-heirs who are human beings if born of the same parents; but many texts in the sacred writings say that in the allotment of shares the ability and usefulness of each heir should be carefully considered.

Even a snake shares in the inheritance with the other co-heirs Vicchedant, if born of the same parents.

[The same as Pyu.]

Sāda.

[Substantially the same as Mano.]

Pāṇā.

[Substantially the same as Vicchedant.]

Kangya-  
linga.

[Substantially the same as Vicchedant.]

Dhamma-  
sāra.

[The same as Manugyè.]

Anvabha.

[Substantially the same as Vilāsa.]

Cittara.

[The story given here is the same as in Vilāsa.]

Kyetya.

During the cycle when Dīpankarā was the Buddha, there was a Kyaṇṇa wealthy couple to whom were born first two sons, then a daughter, and lastly a snake. Ashamed to let people know that a snake was given birth to, they gave out that the child was still-born. Being

their offspring they, however, had not the heart to kill the snake but allowed it to remain in a pit. The children grew up and the snake also grew to about the size of the stock of a harrow. The parents died and the children partitioned the property allotting shares of different value to the elder and younger brothers and to the sister who was the youngest. The snake then came and mixed up the shares with its tail. The news of the occurrence spread far and wide and at last it reached the king, who made a full inquiry into the case. The two brothers and the sister related the facts to the king who, after consultation with his ministers and counsellors, concluded that the snake would like to have its share of the inheritance. So he caused the estate to be divided into four shares of varying proportions. The snake then made it known that it wanted to give its share to the sister by adding its share to hers, and went away.

Accordingly, children of the same parents, some of whom are clever and wise, some known to the local authorities, some blind, some deaf, some crippled, some stammerers, and some hermaphrodites, are all entitled to get a share of inheritance according to their deserts.

#### SECTION 58.

RIGHT OF THE OBEDIENT AND RESPECTFUL SON OF THE LESSER WIFE TO INHERIT HIS FATHER'S ESTATE.

**Dāyajja.**

Once upon a time a king, happening to enter a *ya* cultivation and being enamoured of the girl who was keeping watch there, cohabited with her. He left with her his jewelled ring saying that she should, if she gave birth to a son, bring the son to him together with the ring. The girl eventually bore a son, and when he was three years old went and presented him with the ring. The king did not believe her story. She then made an asseveration saying, that if the child were not the king's he might fall on a sword which was previously placed below and be cut dead on the spot, and threw the child aloft. The child remained suspended in the air. The king then acknowledged his son and raised the mother to the dignity of a queen.

**Chāra.**

If a master cohabits with his female slave, and if a son is born, both mother and son shall obtain their emancipation.

[The story here given in support of the above rule is substantially the same as that in *Dāyajja*.]

**Kyannet.**

In the *Pitakat*, mention is made of the embryo Buddha, who was at the time the son of a slave by the king of Benares, obtaining the kingdom of Benares on the death of his father.

### SECTION 59.

THE SON OF ONE CO-HEIR TO BE CONSIDERED THE SON OF ALL IF THE OTHER CO-HEIRS HAVE NONE.

If only one among a number of brothers has a son, such son is *Kyanat* considered the son of all the rest also. The same rule holds good in the case of a number of sisters.

## CHAPTER VIII.

### PARTITION AMONG CO-HEIRS.

### SECTION 60.

THE ELDEST CHILD TO RECEIVE THE LARGEST SHARE IN THE INHERITANCE.

If the eldest, second, or third son bears the burden of the father *Pyu*, more than the younger sons, he shall get a larger share of the inheritance.

The above rule of partition also applies, when the eldest, second, *Ditto* or third daughter bears the burden and responsibility of the parents.

If the eldest or the second son helps the father in his business, *Vilasa* assumes his responsibilities, and discharges his liabilities more than the younger sons, he shall get a larger share of the inheritance; but if they all help the father in his business, bear his responsibilities, and discharge his liabilities equally, they shall share the inheritance equally. The same rule holds good in the case of daughters. In the partition of inheritance among co-heirs, the shares shall be apportioned according to the ability and qualifications of each.

The eldest among sons as well as among daughters should receive twice as much as any other co-heir. *Ditto*.

The eldest brother as well as the eldest sister should get twice as much as any of the younger co-heirs, who share equally among them. *Ditto*. Debts should be liquidated in the same proportion.

Among children the eldest son as well as the eldest daughter should get twice as much as any of the younger children. *Ditto*.

[Substantially the same as the second extract from *Vilasa*.]

The eldest son gets a larger share only when he assumes the father's office with the knowledge of the local authorities and the

eldest daughter gets a larger share only when she assumes the responsibilities of the mother and maintains the younger children.

**Rat.** [The same as the second extract from Vilāsa.]

**Sōda.** [The same as the first extract from Pyu.]

**Ditto.** [The same as the second extract from Pyu.]

**Kyetyo.** [The same as the second extract from Vilāsa.]

#### SECTION 61.

EQUAL DIVISION BETWEEN THE ELDEST CHILD AND THE YOUNGER CHILDREN ON EQUAL PERFORMANCE OF FILIAL DUTY.

**Pyu.** If the eldest child bears the duties and responsibilities of the parents only like the younger children, he or she shall get only the same share as the younger children.

**Vilāsa.** [The same as the first extract from Vilāsa in section 60.]

**Vappanā.** If any child, whether eldest-born or not, fails to assist the parents in the acquisition of family property, he or she is not considered as eligible to inherit. Even the eldest-born gets the same share as the younger children if he or she renders the same assistance as the latter.

**Rat.** If the children are equal in ability and render equal service to the parents, no distinction shall be made between the eldest child and the younger children in the partition of inheritance.

**Sōda.** [The same as Pyu.]

**Cittara.** If the brothers and sisters live together and work equally for the family property, they shall all share the inheritance equally.

**Kyetyo.** [The same as Vilāsa.]

**Kyannet.** If the eldest brother and younger brothers are equally able and dutiful, the eldest takes one preferential share only in the first division of the inheritance into ten parts; but in the second division, he is entitled to the same privilege only when he is abler and more dutiful than the others. Should the younger brothers excel the eldest brother in those respects, the latter is entitled only to one preferential share, and cannot get the *arasa's* share. After the eldest brother has so taken, all the co-heirs share the remainder equally among them. The same rule holds good among sisters.

The above rule applies to cases where all the co-heirs are married.

SECTION 60,

SUPERSESSION OF THE ELDEST CHILD BY THE YOUNGER CHILDREN ON THE INABILITY OF THE FORMER TO PERFORM FILIAL DUTY.

A son who lived with the parents while they were alive, and buried *Mānussaika* them when they died, shall be deemed the eldest, although he may be one of the younger sons. On him devolves the duty of dividing the inheritance; and the shares apportioned to the co-heirs become their separate property.

[The same as in section 21.]

*Myingun.*

One who assists the parents in their business, gets a larger share even if he or she be one of the younger children.

*Ditto.*

In partitioning inheritance, shares should be apportioned according to the conduct of the children. The eldest son and daughter should get larger shares, but only those who are competent to take upon themselves the duties and responsibilities of the parents in controlling and looking after the welfare of the younger children should be deemed the eldest. If the eldest son or daughter is unable to assume the parental control and responsibility, or incapacitated by physical deformity or disease (leprosy), or is lazy or foolish, disobedient or disrespectful, or in open enmity with the parents, or resident at a distant place, or brought up by other persons, or a hermaphrodite, he or she should be disinherited if deserving of such treatment, and if not disinherited, he or she should be given a share according to his or her deserts. There are some who, though they are the elder children in the family, do not perform their duty towards their parents, and there are others who, though they are the younger children, are not remiss in that respect. Such younger children should be considered as the elder, and in the case of the son, he should be given the father's cups, trays, and lands held as emolument of office, as well as the larger share which is the portion of the eldest son by right; and in the case of the daughter, she should get the mother's personal belongings, clothes and ornaments, as well as the portion due to the eldest daughter by right. Even the youngest in the family should get a larger share if he or she assists the parents, discharges their debts, and performs the filial duties more than the elder brothers or sisters. Or, if such youngest child performs his or her duties towards the parents equally with the others, he or she should get an equal share with them.

The rules laid down in the *Dhammathats* relate to apportionment of shares, varying according to the ages of the children, on the pre-

sumption that there is no disqualification in any one. If any one of the children misbehaves himself or herself, only such share which he or she deserves to receive should be given.

**Dhamma.** If the younger son is able to assume the father's office, let him get the father's personal belongings.

**Ditto.** Any son who can assume the father's office shall get it, no matter where he comes in the family, or whether he is the son by the first wife or by any of the lesser wives. He shall also pay the debts, if there are any.

**Ditto.** The son who can assume the father's office with the sanction of the local authorities shall get it, even though he may be the son by a lesser wife, when the son by the first (chief) wife is incompetent to assume it. But if the latter is competent, he shall get it. If the father is not of the same class (caste) as the first (chief) wife, but is of the same class as the second or lesser wife, and if the sons by both wives are equally competent to assume the office, then the son by the latter shall get it, and the emoluments and income of it, as well as the father's personal belongings and wearing apparel; and the son by the former shall get the portion usually allotted to the eldest child, out of the estate consisting of both animate and inanimate property, as well as out of what property the father might have brought to the marriage. The remainder of the property shall be divided according to the class to which each heir belongs and the customary rules of partition of inheritance.

**Manugāḥ.** If a son by any one of a number of wives is known to the local authorities, he shall get his father's office.

**Vappanā.** The child who assists the parents in their business, discharges their debts, and performs with zeal his or her filial duties shall get a larger share of the inheritance, although he or she may be one of the younger children.

**Manuyin.** Even the youngest son shall get a larger share than any of the elder children if he bears the responsibilities of the parents with zeal.

**Vicchaya.** If there are many sons and the eldest does not carry on the parents' work, but one of the younger sons does so, the latter should be considered as the eldest son, and he should get the eldest son's share. There is no rule debarring a younger son from getting the eldest son's share.

**Vappanā.** The son who takes upon himself the burdens and responsibilities of the parents is considered as the *orasa* son, whether he is the eldest-born or not. Such a son is entitled to a double share in the inheritance.

[Substantially the same as Vinicchaya.]

Pakāsañ.

The rule of partition among co-heirs is as follows : —

The child who assists the parents and assumes their duties and responsibilities, shall take one-half of the estate. The remaining half shall be divided into nine shares, and the younger child shall take one share. The remainder shall again be divided into nine shares and the elder child (*i.e.*, the child who assumes the responsibilities of the parents) shall take one share. The same procedure is repeated once again. The younger child then takes the residue.

The child who assists the parents in their business more than the others, gets a larger share of the inheritance, though such child may be the youngest.

If the eldest son is deaf or blind, the second son who is free from physical deformity shall assume the father's office. So says the excellent Manu.

If the son by the chief wife is incompetent and does not assume the responsibilities of the father, but the son by the lesser wife is competent and does so, then the latter shall be installed as the *orasa*.

If the son by the chief wife is blind or deaf, or otherwise deformed, and is not known to the local authorities, he is the eldest-born only in name, but does not obtain the status of one. The son who industriously performs his father's duties and is known to the local authorities is considered as the eldest son, though he may be born of the lesser wife, and he shall succeed to the hereditary office. If there are three sons by three wives married in succession, the one who carries on the father's duties and renders the greatest assistance is considered the eldest without regard to seniority.

The son who fails to attend to his parents' business ought not to get a share of the inheritance.

Among co-heirs, one who maintains the parents gets a larger share. Whether he is the elder or the younger, the one who lives with the parents and maintains them shall get two shares. If the eldest son lives apart from the parents and does not maintain them, he shall get only one share.

The above rule is the same as the royal decree of the founder of the Shwebo dynasty (Alompura).

If the eldest son is deaf, blind, or deformed, while the younger is not, then the latter shall be installed as the eldest to assume the father's office. Nevertheless the eldest shall get an equal share of

the inheritance, because unsoundness of mind, dumbness, deafness, or stammering may be removed by medical treatment.

**Amwebôn.** If the several wives of a man have sons who are equally competent to assume the father's office, the son by the first (chief) wife shall get it. A son who is competent to assume the office and is known to the local authorities, shall not however be debarred from succeeding to it because he is born of a lesser wife. Debts shall be liquidated by him who succeeds to the office.

**Ditto.** [The same as Manugyè.]

**Cittara.** If the eldest son is deformed, but the younger is not, the latter shall be installed as the eldest.

**Ditto** The son who performs his father's duties shall succeed to his father's office, even though he may be a son by a lesser wife.

**Kyanpat.** The son and daughter-in-law, or the daughter and son-in-law, who bury the parents on their death, should be considered as *orasas* and obtain the *orasa's* share, even though the son or daughter may one of the younger children.

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[SECTION 63 OMITTED.]

SECTION 64.

PARTITION BETWEEN CHILDREN LIVING WITH THE PARENTS  
AND THOSE LIVING SEPARATELY.

**Vilasa.** Unmarried children living with the parents shall get twice as much as those living separately. The reason is that when the parents get into trouble, those living separately are not put to much inconvenience, whereas those living with the parents have to incur expenses and even become slaves when there is no property to meet the expenses.

**Kungya.** The rule of partition between children living with the parents and those living separately is as follows:—

Those living with the parents get twice as much as those living separately. Debts, if any, shall be liquidated in the same proportion. The reason is that when the parents get into trouble either by committing some criminal offence or by contracting a debt, those living separately do not incur any expense, whereas those living with the parents have to meet all such expenses, pay all debts, and maintain them as well. The latter get the additional share as the portion of the parents.

Unmarried children who live with the parents and maintain them, are considered as *orāsas*; and they get, after the death of the parents, twice as much as those living separately. The reason is that when the parents get into trouble those living separately do not meet with any great inconvenience, whereas those living with the parents have to bear the greater part of the burden. Dhamma-thakkyaw.

The elder daughter lives apart from the parents, while the younger son lives with them. When partition of inheritance is made, the daughter gets her mother's clothes and ornaments, and the son gets the father's clothes and ornaments. As to the remaining property, the brother shall obtain twice as much as his ordinary share and the sister only her usual share. Dhamma.

The child who lives with the parents shall get a double share in the inheritance. It is not to be understood, however, that the heir in question should get twice as much as any other heir, but that he or she should get double the share which he or she would get under the ordinary rules of inheritance. Debts, if any, shall be liquidated similarly. So says Manu, the Rishi Ditto.

Unmarried children who live with the parents and maintain them are considered as *orāsas*, and they shall get twice as much as those who live separately, as the former share the fortunes of the parents when in adversity Vaggaṇā.

[The same as Vilāsa.]

Rāsi.

A suitable portion of the inheritance shall be given to those children who are married. The rest of the property shall be divided equitably among the unmarried children of the same parents. Vinicchaya.

Children living apart from the parents get one share, and those living with the parents get two shares. So says the Dhamma-vilāsa Dhammathat. It should be compared with other rules of partition and its reasonableness or otherwise should be taken into consideration Ditto.

Unmarried children living with the parents shall maintain them. Such children are considered as *orāsas*, and they get double shares. Manu - vaggaṇā.

Children living apart from the parents get half as much as those who live with the parents Ditto.

The rule of partition between children living with the parents and those living separately is as follows:—

The former get double their ordinary shares and the latter the ordinary shares to which they are entitled. Debts should be

liquidated in the same proportion. Even if those living with the parents be the younger children, they shall get twice their ordinary shares.

Debts contracted in connection with the estate should be liquidated by all the children according to the proportion of their ordinary shares and not according to the enhanced shares of some of the children, because they form a charge upon the estate. Debts contracted on behalf of the parents by the children living with them should be liquidated by all the co-heirs in proportion to their ordinary shares; those living apart from the parents have no right to say that the debts are not contracted by them. But in the case of debts contracted by those living with the parents for their own use, but ostensibly for the use of the parents, those alone who contract the debts are responsible.

**Rājabala.** The child who lives with the parents is entitled to double his or her share whether such child is a son or daughter, or the eldest or one of the younger children in the family. The child who lives apart from the parents is entitled to his or her ordinary share. Debts, if any, shall be liquidated in the same proportion.

**Manu.** Manu, the Rishi, has decided that the child who lives with the parents shall get two shares, while those living apart from the parents one share each

**Panini.** An unmarried child who lives with the parents should be considered as the eldest and should get one share, while those who live apart from the parents a half share each.

**Kungyalinga.** Children living with the parents shall get two shares each, while those living separately one share each. Debts, if any, shall be liquidated in the same proportion.

**Anwebōn.** The rule of partition between brother and sister is as follows :—  
If the sister does not live with the parents, but the brother does so, the latter gets two shares and the former one share. Debts, if any, should be liquidated in the same proportion. There is no variation in the rule of partition with regard to the parents' clothes and ornaments (*i.e.*, the sister takes the mother's and the brother the father's).

**Ditto.** [The same as the second extract from Dhamma.]

**Chāra.** The rule of partition between a child who lives with the parents and one who lives separately is as follows :—

The former gets two shares and the latter one share; because, when any trouble befalls them, the child living with the parents has to bear the expenses.

The rule of partition between brother and sister is, that whoever *Cittara* lives with the parents shall get double his or her ordinary share. Debts, if any, shall be liquidated in the same proportion.

[The same as Vilāsa ]

*Kyetyo.*

## SECTION 65.

### THE YOUNGEST CHILD LIVING WITH THE PARENTS GETS THE HOUSE AND HOUSEHOLD PROPERTY.

After the first four or five sons have married and settled down *Myingun* in life with fair marriage portions, the youngest alone remains with the parents. On the death of the parents he shall inherit the house and household property.

If the youngest son lives with the parents, he gets the house and *Manuyin* household property.

Out of four or five children the elders are married and settled *Rast* in life each with a fair dowry. The youngest child lives with the parents and works with them. If the parents give the house and household property to such child, he or she shall get them. Therefore the *Dhammathatlinga* says: "The parents have three, four, or five children. The eldest does not behave as he ought to nor performs his duties towards the parents, but gambles with, and squanders away, the family property. His share should be lessened when partition is made of the inheritance. The son who assists the parents in their business shall get a larger share though he may be a younger son. A couple having three children do not possess any property at the time the eldest was born, but acquire property after the eldest has set up a separate establishment, and while they are living and working together with the younger children. When such is the case the eldest does not inherit, the younger ones getting the whole estate. Four or five sons are married and settled in life with a fair dowry. The youngest son remains with the parents. On the death of the parents he inherits the house and household property."

\* The elder sons, leave the parental roof, after getting a fair share *Viochedak* of the inheritance, but the youngest lives with the parents. He shall inherit the house and other parental property.

On the death of the parents, the youngest unmarried daughter *Kyannet* inherits all the estate including the house.

## SECTION 66.

EXCLUSION OF THE ELDEST CHILD FROM INHERITANCE WHEN THE PARENTS ACQUIRE PROPERTY ONLY WHILE LIVING WITH THE YOUNGER CHILDREN.

- Myingun.** A couple having three children have no property at the time the eldest was born, but acquire property after the eldest has set up a separate establishment and while they are living and working together with the younger sons. When such is the case, the eldest does not inherit, the younger children getting the whole estate.
- Manuyin.** If the parents do not acquire property while living with the elder sons, but do so while working with the younger sons, then shall such younger sons inherit the property. The elder sons may be given only a small amount.
- Vicchedani.** If the parents do not acquire property while living with the elder children, but do so while they are with the younger children, then shall the younger children alone inherit the property.

## SECTION 67.

PARTITION BETWEEN THE ELDEST CHILD LIVING SEPARATELY AND THE YOUNGER CHILDREN LIVING WITH THE PARENTS.

- Manugyè.** If the elder sister lives apart from the parents and the younger brother with them, the latter, though the junior, shall get two shares and the sister one share. Debts shall be liquidated in the same proportion. As regards the parents' clothes and ornaments, no departure should be made from the ordinary rule.
- Dāyaji.** The elder sister who lives separately gets one share, while the younger brother who lives with the parents gets two shares.

## SECTION 68.

PARTITION BETWEEN ELDEST CHILD LIVING WITH THE PARENTS AND YOUNGER CHILDREN LIVING SEPARATELY.

- Dhamma.** The younger brother who lives separately gets one share, while the elder sister who lives with the parents gets two shares.
- Manugyè.** When the younger brother lives apart from the parents and the elder sister with them, the latter gets two shares, and the former one share. Debts shall be liquidated in the same proportion.
- Dāyaji.** [Substantially the same as Dhamma.]
- Amwebôn.** [The same as Manugyè.]

SECTION 69.

WHETHER THE ONE-HALF OR ONE THIRD PORTION OF THE ESTATE TAKEN BY THE ORASA CHILD LIVING SEPARATELY SHOULD BE CONSIDERED AS PROPERTY SUBJECT TO DIVISION ON THE DEATH OF THE PARENTS.

The eldest child takes with him or her one-half or one-third of *Dhamma*. the property of the parents without its being given by them on his or her leaving the parental roof. The property so taken shall not be deemed the separate property of the one in possession. It shall be divided among the co-heirs.

The eldest child takes with him or her a considerable portion of *Manugyē*. the property of the parents though not given by them. Such property shall not become the separate property of the eldest who has taken it, but shall be subject to partition among the co-heirs on the death of the parents. The reason is, because the eldest son is like the father and the eldest sister like the mother.

The rule as to whether parental property taken by the eldest child without the permission of the parents shall be considered as property subject to division among co-heirs or not is as follows :— *Dhṛṭṭ*.

If the property taken away amounts to one-half or one-third of the entire estate it shall not be deemed the separate property of the one who has taken it, but shall be subject to division among the co-heirs according to the rules of partition. Because the eldest brother is like the father and the eldest sister like the mother.

Parental property consisting of land, cattle, &c., taken away by *Rājabala*. the eldest son, cannot be called his separate property because the eldest son occupies the father's position.

Parental property taken away by the elder brothers and sisters *Manu*. living separately is subject to partition according to the ordinary rules.

Parental property which children living apart from the parents *Paras*. are in possession of during the lifetime of the latter shall be added to the heritable estate on the death of the parents.

During the lifetime of the parents, the elder children take with *Dāyāja*. them some of their parents' property. On the death of the parents the property so taken shall not be deemed the separate property of those who have taken it, but it shall be divided among the co-heirs. Because the elder brother is like the father and the elder sister like the mother.

- Amwebôn. [The same as the second extract from Manugyè ]  
 Cittara. [Substantially the same as Dáyajja.]

## SECTION 70.

PARTITION BETWEEN THE CO-HEIRS AND THE CHILDREN OF  
 THE ORASA CHILD LIVING SEPARATELY WHO HAS TAKEN  
 A HALF OR A THIRD PORTION OF THE ESTATE.

- Dhamma.** During the lifetime of the parents, the elder children take away with them property, animate and inanimate, belonging to the parents, on leaving the parental roof. After the death of the parents, and on the death of such elder children, if the co-heirs claim division of the property so taken, it shall be shared between those claiming for the division and the surviving wives or husbands of the deceased. Because the elder brother is like the father and the elder sister like the mother.
- Ditto.** The elder children take away with them property belonging to the parents on leaving the parental roof. If, on the death of such children, their co-heirs claim from their surviving husbands or wives the property so taken, they shall get half of it, the other half being enjoyed by the surviving husbands or wives, or by the children of the deceased co-heirs
- Manugyè.** If, on the death of the elder children who have taken away their parents' property on leaving the parental roof, the co-heirs claim for a division of the property so taken, they shall get half of it, the other half being enjoyed by the surviving husbands or wives, or by the children of the deceased.
- Rājabala.** On the death of the elder children who have taken away their parents' property on leaving the parental roof, only half of such property is subject to division among the co-heirs.
- Paṇam.** On the death of the eldest son who has taken away his parents' property on leaving the parental roof, the surviving wife and children of the deceased are entitled to one-half of the property so taken.
- Dáyajja.** If, on the death of the elder children who have taken away property belonging to the parents on leaving the parental roof, the co-heirs claim for a division of the property so taken, the children of the deceased are entitled to one-half of it; the remaining half shall be divided equally among the co-heirs, and the shares of deceased co-heirs shall be given to their children.
- Amwebôn.** If the elder children who have taken away property belonging to the parents on leaving the parental roof die, leaving husbands or wives

and children, one-half of the property so taken shall be enjoyed by such survivors, because they are entitled to the portions of their husbands or wives. The same rule applies if children alone survive.

If, on the death of the elder children who have taken away pro- Cātara.  
perty belonging to the parents on leaving the parental roof, their co-heirs claim for division of such property, they shall get one-half of it; the remaining half shall be given to the surviving husbands or wives and the children of the deceased.

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SECTION 71.

WHETHER THE ONE-HALF OR ONE-THIRD PORTION OF THE ESTATE TAKEN BY THE YOUNGER CHILDREN SHOULD BE CONSIDERED AS PROPERTY SUBJECT TO PARTITION ON THE DEATH OF THE PARENTS.

On the death of the parents, the younger children who have Dhamma.  
taken away property belonging to the parents on leaving the parental roof, and of which they are in possession, are entitled to one-half of it.

Younger children take away with them, without the parents' per- Manugyè.  
mission, either one-half or one-third of the parents' animate or inanimate property, on leaving the parental roof. On the death of the parents one-half of the property so taken becomes the separate property of those who have taken it, the other half shall be divided among the co-heirs.

If property belonging to the parents is taken away by younger Rājābala.  
children on leaving the parental roof, one-half of it becomes their separate property whether they are living or dead. The remaining half is subject to division among the co-heirs.

[Substantially the same as Manugyè.]

Dāyājīa.

[The same as Manugyè.]

Amwebōn.

Younger children take away with them one-third of the parents' Cīttara.  
property on leaving the parental roof and during the parents' lifetime. One-half of the property so taken shall revert to the estate.

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SECTION 72.

WHETHER THE ONE-EIGHTH OR ONE-TENTH PORTION OF THE ESTATE TAKEN BY ANY CHILD SHOULD BE CONSIDERED AS PROPERTY SUBJECT TO DIVISION ON THE DEATH OF THE PARENTS.

Younger children appropriate one-tenth or one-eighth portion of Manugyè.  
the property belonging to the parents during the lifetime of the

latter ; on the death of the parents, the property so appropriated becomes the separate property of such younger children, and they are further entitled to their respective shares when partition is made of the rest of the estate

**Manugyè.** Property appropriated during the lifetime of the parents by children living separately, and of which they are still in possession, shall not be subject to division ; the children may enjoy undisturbed possession of the same.

**Manu.** The co-heirs have no right to claim partition of the one-tenth or one-eighth portion of the parental estate appropriated by the younger children, but if the whole estate is appropriated, then it cannot become the separate property of those who appropriated it. It shall be partitioned among the co-heirs according to the rules of partition.

**Dāyāja.** If only one-tenth or one-eighth portion of the property belonging to the parents is appropriated by children who have separated from the parents, let them retain possession of it. Their co-heirs cannot claim partition of it, because the parents did not make any protest during their lifetime, and because the amount is small. The rest of the property shall be divided among all the co-heirs.

**Amwebôn.** [The same as the first extract from Manugyè.]

**Cittara.** The one-tenth or one-eighth portion of the parental estate appropriated by the younger children during the lifetime of the parents, is not subject to partition, though such property may not have been given by the parents.

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#### SECTION 73.

WHILE THE WHOLE ESTATE IS IN THE CUSTODY OF ONE OF THE CHILDREN, THE PARENTS DIE, AND SUCH CHILD IS PERMITTED TO APPROPRIATE A TENTH PART OF IT AS *THINTHI* ; PARTITION OF THE REMAINDER AMONG ALL THE CO-HEIRS.

**Manugyè.** If a child, living apart from the parents, is in possession of the entire estate belonging to the parents, it cannot, on their death, be said that the estate is the separate property of such child. It shall be divided among all the co-heirs. It is only when the property in possession is small that it can become the separate property of the possessor.

**Dāyāja.** If the entire estate is in the custody of a child, it shall be partitioned among all the co-heirs on the death of the parents, after the custodian has taken one-tenth of it as his or her separate portion, and apart from his or her ordinary share.

[The same as Manugyè.]

Amwebôn.

SECTION 74.

WHETHER A GIFT MADE DURING THE PARENTS' LIFETIME IS  
VALID OR NOT.

Property given to one of their children by both parents during <sup>Yazathat.</sup> their lifetime, and accompanied by delivery of possession, is not subject to partition on the death of the parents. But if the estate is of little value, partition of it should be made according to the ordinary rules of partition, and the value of the property which any child is already in possession of, having been given him or her by the parents, may be set off against his or her share. If any compensation had to be paid during the parents' lifetime on account of assault or slander committed by any co-heir, the amount of compensation may be set off against the share of such co-heir. So says the Dhammathat, and division should be made accordingly.

Property given to one of their children by both parents during their <sup>Vannanâ.</sup> lifetime, and accompanied by delivery of possession, is not subject to partition.

Property given to one of their children by both parents during <sup>Manu-  
vannanâ.</sup> their lifetime, and accompanied by delivery of possession, is not subject to division. Yet if a considerable quantity is given to any child, the value of such property should be set off against the share of such child, as the gift is not equitable.

If other co-heirs claim the property in the possession of any <sup>Kunyga  
linga.</sup> co-heir, which was given him or her by the parents or grandparents during their lifetime, the co-heir in possession shall be allowed to retain it, but its value shall be set off against his or her share in the partition of inheritance; debts payable by any co-heir shall also be set off against his or her share because the Dhammathat says as follows :—

Property given to one of their children by the parents during their lifetime, and accompanied by delivery of possession, is not subject to partition on the death of the parents, but the value thereof shall be set off against the share of such child. Debts, if any, shall also be set off against the share of the indebted co-heir. Because, even the compensation which had to be paid on account of assault or slander committed by any co-heir is set off against the share of such co-heir.

Property given to one of their children by the parents becomes <sup>Catara</sup> ~~Catara~~ his or her separate property, and is not subject to partition.

- Cittara.** Property given to children by parents is subject to partition even when delivery of possession has taken place, if the children are living with the parents.
- Kyetya.** Property given to one of their children by the parents through affection during their lifetime becomes the separate property of such child, and is not subject to partition
- Kyannet.** Unmarried children are entitled to possession of property specifically given them by their parents.

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### SECTION 75.

#### GIFT OF THE ENTIRE ESTATE DURING THE PARENTS' LIFETIME IS NOT VALID.

- Yazathat.** If a gift of property accompanied by delivery of possession is so made by the parents to one of their children that nothing is left on their death for partition among the other children, such child shall not say that the property so given is his or hers, but it shall be divided among all the co-heirs according to the usual rules of partition.

The example from which the above rule is deduced is that of a hen feeding her chickens. Although she may give any food which she has found to any one chicken, yet the rest also may have a share of it.

Accordingly it is decided that if the parents unjustly make a gift of the whole of their property to one of their children, the gift is not valid, as it should not have been made. The property given shall be partitioned according to the usual rules of partition.

- Manugyè.** The equitable partition of inheritance among children of the same parents is what is meant by preserving the integrity of the family. An illustration of this principle is that of the hen feeding her chickens: all may have a share of the food found by her.

- Dito.** Although parents may say that they give the whole of their property to one or other of their children, yet such child shall not get all the property, because, the parents say so only in the exuberance of their spirits. If such child is one who is of great assistance to the parents, he shall get double his ordinary share.

- Manu-  
smṛṇā.** Parents make a gift of property accompanied by delivery of possession to one of their children. If nothing is left for the other children, the gift shall be partitioned among all the children in the same way as if it were common inheritance.

The example from which the above principle is deduced is that of a hen feeding her chickens. Although she may give any food which she has found to any one chicken, yet the rest may each have a share.

Some parents say that they give the whole of their property to one of their children who has performed his or her duties to their entire satisfaction. Yet such child can have possession of the same only during the father's lifetime; the gift cannot be absolutely binding, and he or she is entitled to get only double his or her ordinary share.

The Dhammathat says as follows on the rule as to whether a gift of the entire estate made to one of their children by the parents during their lifetime is valid or not:—

If a gift of property accompanied by delivery of possession is so made by the parents to one of their children that nothing is left on their death for partition among the other children, such child shall not say that the gift is his or hers, but it shall be divided among all the co-heirs according to the ordinary rules of partition.

The example from which the rule is deduced is that of a hen feeding her chickens. Although she may give any food found by her to any one chicken, yet the rest may each have a share.

Therefore, if there is no property left for partition other than the gift, it shall be partitioned among all the co-heirs.

[The same as the first extract from Manugyè, but with the following proviso added:—however, a wise judge should exercise his own discretion so as to give satisfaction to all parties.]

[The same as the second extract from Manugyè.]

Ditto.

If there is no property left for partition other than that given by the parents to one of their children, the gift shall be partitioned among all the co-heirs. For, in the case of a hen feeding her chickens, the food brought by her and given to one only is yet pounced upon and shared by the other chickens.

## SECTION 76.

RIGHT OF THE FIRST DONEE TO POSSESSION WHEN A GIFT MADE TO ONE CHILD IS SUBSEQUENTLY REVOKED AND GIVEN TO ANOTHER.

The parents make a gift of slaves or other property to one of their children. They subsequently revoke the gift and give it to another. On the death of the parents, it shall revert to the first donee.

**Rāst.** If a gift of the same property is made to several children in succession, any child in whose hands the property is, may retain possession as long as the parents are living. On the death of the parents, the first donee is entitled to the possession of the property.

**Manu-vaṇṇanā.** The parents make over certain property to one of their children. Subsequently, being displeased with that child, they revoke the gift and make it over to another. On the death of the parents, it shall revert to the first donee.

**Sōnda.** [The same as Pyu.]

**Pāpañ.** If a gift made to one child is subsequently revoked and given to another, the first donee is entitled to the possession of it on the death of the parents

**Dhamma-sāra.** The parents publicly make a gift of gold, silver, jewels, and other valuable property to one of their children. Subsequently, being displeased with that child, they revoke the gift and make over the property to another. On the death of the parents, it shall revert to the original donee.

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#### SECTION 77.

THE CO-HEIRS HAVE NO CLAIM TO PROPERTY GIVEN TO ANY CHILD TO BE USED AS CAPITAL IN BUSINESS.

**Mano.** The co-heirs have no claim to property given by the parents to one of their children to be used as capital in business. Such property is inherited by the children or grandchildren of the person to whom it was given.

**Pyu.** The co-heirs have no claim to property given by the parents to any one of their children to be used as capital in business.

**Kaingza.** [The same as Mano]

**Kandaw.** The co-heirs have no claim to property given by the parents to one of their children at the time of marriage, or at any other time to be used as capital in business. The children or grandchildren of such person is entitled to inherit such property.

**Tejo.** [The same as Mano.]

**Vaṇṇa-dhamma.** [The same as Mano.]

**Rāst.** The co-heirs have no claim to property given by the parents to one of their children to be used as capital in business. Only the children or grandchildren of such heir are entitled to inherit it.

**Manu-vaṇṇanā.** [Substantially the same as Mano].

[The same as Pyu]

Sôdna.

The co-heirs have no claim to property given by the parents to Pānān. any one of their children to be used as capital in business.

The co-heirs have no claim to property given by the parents to Ditto. any one of their children at the time of marriage to be used as capital in business. Such property is inherited by the children or grand-children of the person to whom it was given. Only the remaining property shall be partitioned among all the co-heirs.

### SECTION 78.

#### WHAT THE DEAD GAVE THE LIVING GETS.

One should know the kind of property which cannot be claimed Pyu. on the death of parents. What the dead gave the living gets, and he whom the dead liberated is indeed emancipated.

The following property is the separate property of the donee or Ditto. possessor and he alone is entitled to it, namely :—

- (1) property given by one who is dead ;
- (2) property acquired by one's personal skill ;
- (3) property given by relatives to be used as capital in business, and
- (4) property given and handed over at the time of marriage.

[Substantially the same as the second extract from Pyu.] Myingun.

One of the co-heirs has property acquired by his or her own Dhamma- personal skill and also property given by the parents before their thatkyaw. death but to take effect after it. Such property is the separate property of the possessor, and is not subject to partition.

[Substantially the same as the second extract from Pyu.] Manuyin.

A gift of property made by one to take effect on his or her Rāsl. death is valid, and the donee shall get the property.

A son helps the parents in their work, and the parents therefore Ditto. leave word (before they die) that certain property shall be given to such son, or that he shall get a larger share in the partition, saying that he has been of great service to them. Such son shall inherit accordingly.

During the lifetime of our Buddha (Gautama), a rich man who Manu- had many sons and grandsons left word that all his property should vānānā. be given to the one who was discriminate and virtuous. On the death of the rich man Mahāthero Ānandā decided that the son was

the nearest blood relation to the father and that therefore he should get the entire estate ; whereas *Thero* Upāli decided that a grandson who fulfilled the stipulations of the deceased rich man should get it. Thus did the two disciples of the Buddha decide.

- Rājabala. A gift made to take effect on the death of the donor is valid.
- Sōnda [The same as the first extract from Pyu.]
- Ditto. [The same as the second extract from Pyu.]
- Pāpam. What the dead gave the living shall get, and what the dead liberated shall be emancipated.
- Rescript. [The same as the Rescript in section 21.]
- Kyetyo. [The same as Manuvannanā in substance.]
- Kyannet. Property acquired by one's personal skill becomes the separate property of that person ; so also does property given to a person by another ; property left to a person by another on his or her death, becomes the separate property of the donee, and is not subject to partition.

Property acquired by one's personal skill, and property given to one by another through love become his separate property. The co-heirs can get such property only when given by the owner. Should the owner die childless, his wife gets his separate property.

## SECTION 79.

WHETHER GIFTS MADE *IN EXTREMIS* ARE VALID OR NOT.

- Kaingza. A gift of slaves and other property made *in extremis* is not valid. Such property is considered as inheritance. A gift made, though not *in extremis*, is invalid if delivery of possession has not taken place before the death of the donor, and it shall revert to the estate ; but if there has been delivery of possession the co-heirs cannot claim it.

The above rules refer to children living apart from the parents. As regards children living with the parents, a gift does not take effect even when there has been delivery of possession, because children living with the parents are still under parental control.

- Kandaw. [Substantially the same as Kaingza.]

- Vappa. A gift of slaves or other property made *in extremis* or during the lifetime of the donor is invalid if unaccompanied by delivery of possession ; but if delivery of possession has actually taken place the gift shall be valid and the donee shall get it.

The above rule refers to children living apart from the parents. As regards children living with the parents, a gift does not take effect even when there has been delivery of possession.

The parents make, *in extremis*, a gift of slaves or other property **Rāsi**. to their children living apart from them; the gift shall not be held valid if there has been no delivery of possession. Even if the parents make the gift before they are *in extremis*, it shall still revert to the estate if they die before they have delivered it to the donee. But if there has been delivery of possession, the donee's co-heirs shall not claim reversion of it to the estate. A gift made to children living with the parents shall revert to the estate although there has been delivery of possession, because children living with the parents are still under parental control.

The above is the rule laid down in the Dhammathats. But according to the religious teaching children are exhorted to respect the dying injunctions of their parents.

A gift made *in extremis* is not valid. A gift made to children **Pāpam**. living apart from the parents is valid when accompanied by delivery of possession; but in the case of children living with the parents, a gift is not valid even though delivery of possession has taken place.

#### SECTION 80.

GIFTS MADE TO CHILDREN LIVING WITH THE PARENTS TO START THEM IN BUSINESS ARE NOT SUBJECT TO DIVISION.

The parents give their eldest son in marriage and make him set **Vinicchaya**. up a separate establishment after giving him a fair marriage portion. The younger children who live with the parents are also given certain property. Each of the children is entitled to his or her respective gift; but none shall claim anything besides as separate property.

[Substantially the same as Vinicchaya.]

**Pakāsanti**.

#### SECTION 81.

REDUCING THE SHARE OF A CHILD WHO SQUANDERS THE PARENTAL ESTATE.

[The same as Myingun in section 21.]

**Myingun**.

[Incorporated under Rāsi in section 65.]

**Dita**.

[The same as Manuyin in section 21.]

**Manuyin**.

**Rāst.** Of two sons, the *orasa* behaves badly and squanders the parental estate, whereas the younger assists the parents in their work. At the time of partition the younger should get the larger share.

**Ditto.** The co-heir who squanders the parental estate should get less than the other co-heirs. The following is the precedent on which the above rule is based:—

A rich man in Benares who possessed eighty crores of rupees had two sons and three daughters. The elder son did not assist the parents in their work, whereas the younger did and was well known to the local authorities. A ten-year-old daughter was saved by some fishermen from being drowned while bathing near the sea-shore with forty attendants. The rich father had to redeem her by paying half her *kobo*. After the death of the parents, the case of partition of inheritance among them went up before the king. He constituted the younger son the *orasa* son, and the eldest daughter the *orasa* daughter, and the latter was given the mother's clothes and ornaments. The rest of the property was divided into five shares, of which one each was given to the four elder children; one-half of the remaining share was given to the daughter who was saved from drowning, as she lost her clothes in the accident, caused loss to the parents in-as-much as they had to redeem her, and tarnished the fair reputation of the family by her public bathing and amusement: the remaining half was divided among the four elder children.

**Vicchedant.** [The same as Vicchedant in section 21.]

## SECTION 82.

### GIFTS OF PARENTS WHICH ARE VALID.

**Vāsa.** Gifts of property such as elephants, ponies, slaves, bullocks, buffaloes, goats, pigs, clothes, lands, and cups, &c., made by parents to children at the time of performing any domestic ceremony or at marriage are valid, when accompanied by delivery of possession. Such property becomes the separate property of the donee, on whose death, her husband or his wife, as the case may be, inherits it.

**Waru.** O great king! The parents make a gift of gold, silver, elephant, pony, bullocks, buffaloes, &c., accompanied by delivery of possession to their children at the time of performing the following ceremonies, namely:—shaving the head, ear-boring, marriage, &c. The parents cannot subsequently resume such property.

**Kungya.** No restoration of the property of which some children are in possession on the death of their parents may be made, although such property is not expressly given them.

Parents give their children in marriage making a gift, at the same time, of gold, silver, slaves, elephant, pony, bullocks, buffaloes, and lands. The children leave the parental roof and live in the house of their parents-in-law. On the death of the children, their surviving husbands or wives inherit the property. Dhammathatkyaw.

Gifts of property and slaves (made by parents) when accompanied by delivery of possession shall not be subject to partition on the death of the parents Manuyin.

[The same as Vilāsa]

Rāsi.

Parents make to their children at marriage or on some other ceremonious occasion a gift of property which is taken away by the donees. The gift is valid and the children obtain absolute possession of the property Manu-vappand.

Parents make a gift of property accompanied by delivery of possession at the time of performing the following ceremonies, namely :—washing the head of a new-born infant, placing the child in the cradle, and naming the child. They cannot resume possession of such property subsequently. Warulinga.

Gifts of property such as gold, silver, bullocks, buffaloes, paddy, rice, &c, accompanied by delivery of possession are valid. Such property is not subject to partition. Cittara.

[Substantially the same as Vilāsa.]

Kyetyo.

The parents make a gift of property to their children at the time of marriage. The gift is valid when there is delivery of possession. If there has been no delivery of possession, the children may claim delivery of the property if it is still existing; but they cannot enforce restitution when it is exhausted. Ditta.

[Substantially the same as Dhammathatkyaw.]

Kyannet.

### SECTION 83.

#### GIFTS MADE BY PARENTS WHICH ARE NOT VALID.

Parents make a gift on the marriage of their children. The property given is, however, not delivered into their hands, but remains in the possession of the parents. On the death of the children, their wives or husbands cannot obtain possession of the property. If the parents pre-decease the children, the children-in-law cannot claim the property, which reverts to the family estate. This is what is meant by the legal maxim that a gift, though made, may yet be void. Mānussika.

**Pyu.** A gift made by parents to children living separately is void when unaccompanied by delivery of possession. In such a case the property which is the subject of the gift reverts to the family estate.

**Ditto** Property, though given, may not be obtained by the donee, and property may be acquired by one, though it may not be given him. The parents make a gift to their son on his marriage, saying "We give you this elephant, this pony, this slave, this sword, this cup, this gold and silver," but do not deliver the property. On the death of the son, the daughter-in-law cannot claim from his parents possession of the property on the strength of the verbal gift. The same rule holds good when a gift is similarly made to a daughter on her marriage, and the son-in-law prefers a claim on her death. Hence the legal maxim that a gift, though made, may yet be void.

**Vilāsa.** A gift made by parents is void when unaccompanied by delivery of possession. The donees are entitled to only such portion as they have in their actual possession. This is what is meant by the maxim that a gift, though made, may yet be void.

**Waru.** Parents may resume ownership of property given to children when there has been no delivery of possession

**Kungya.** Parents make gifts of property, such as gold, silver, bullocks, and buffaloes, but die before making delivery of the same. Such property reverts to the family estate.

**Ditto.** The Mānussika and Manu Dhammathats lay down as follows :—  
The parents make a gift of an elephant, a pony, a slave, a bullock, land, gold, silver, sword, cups, &c., in the presence of other persons, to their children on marriage; but before delivery of possession has taken place the children die: then the children-in-law cannot claim from their parents-in-law such property, which reverts to the family estate.

**Myingun.** Property may be given, and yet the donee may not get it; and property may be obtained though it is not actually given. The parents make a gift of property, such as an elephant, a pony, slaves, gold, silver, sword, cups, &c., to their son on his marriage, but there has been no delivery of possession. On the death of the son, the surviving daughter-in-law cannot claim the gift, which reverts to the family estate. The same rule applies when the parents die. Hence the saying that a gift, though made, may yet be void.

**Dhamma-shakya.** A verbal gift of property, without actual delivery of possession, made by parents to their children is void,

A gift made by parents, if unaccompanied by delivery of possession, is not valid. Hence the saying that a gift, though made, may yet be void.

A gift made by parents, if unaccompanied by delivery of possession, is not valid.

A gift made by parents, if unaccompanied by delivery of possession, is not valid. The donees are entitled only to such portion of the gift as has passed into their possession.

A verbal gift of property is made, but it is unaccompanied by delivery of possession. No record of the gift is kept and the donee makes no use of the property. He shall not get it.

When there is no delivery of possession, a gift, though made, is invalid.

[The same as the first extract from Pyu.] Sōnda.

[The same as the second extract from Pyu.] Ditto.

A verbal gift is invalid when unaccompanied by delivery of possession.

[The same as Rāsi.] Kyetyo.

[Substantially the same as Myingun.] Ditto.

A gift unaccompanied by delivery of possession is not valid. The donees are entitled only to the portion of the gift which has passed into their possession.

#### SECTION 84.

##### PROPERTY WHICH CHILDREN MAY BECOME POSSESSED OF WITHOUT BEING GIVEN THEM BY THE PARENTS.

The rule whereby one may become possessed of property though not given him or her is as follows :—

Parents give their children certain ornaments or property, either for personal adornment or for other uses. On the death of the children the parents cannot resume the ornaments or the property on the ground that the gift was not absolute, but that it was for use only for a time. If the parents die and not the children, and the latter's brothers and sisters claim the ornaments or the property on the same ground, the claim shall not be admitted. The above is what is known as the acquisition of property without being actually given.

**Vilāsa.** Children living apart from the parents appropriate certain slaves or other property for a length of time. On the death of the parents, they are entitled to possess the same. The slaves or property shall not revert to the estate.

**Waru.** Children appropriate property such as lands, elephants, ponies, bullocks or buffaloes belonging to the parents. If they are in possession of the same (on the death of the parents) their co-heirs shall not claim reversion of it to the estate. So says Rishi Manu.

**Dhamma-thakīyav.** Children living apart from the parents appropriate with the parents' knowledge certain property such as gold, silver, lands, elephants, ponies, bullocks, buffaloes, &c, and make use of them for a length of time. If the parents die while such children are still in possession of the property, they become the owners thereof, and their co-heirs shall not claim it as part of the estate. Because, although such property is not given, it amounts to a gift, the parents having acquiesced in the appropriation. The above is the manner whereby property is acquired without being given, and is applicable to cases of partition between children living with, and those living apart from, the parents.

**Dhamma.** Children living apart from the parents appropriate, without being actually given them, certain property belonging to the parents. On the death of the latter, the former become the owners thereof and their co-heirs cannot claim restoration of it to the estate. If, on the other hand, the children should die, the parents cannot resume the property, which is enjoyed by the surviving wives or husbands, and the children of the deceased.

**Manugyē.** The co-heirs shall not, after the death of the parents, claim the property appropriated and taken away by other co-heirs on leaving the parental roof. Such property becomes the separate property of those in possession.

**Vappanā.** Property belonging to the parents, such as bullocks, buffaloes, &c., appropriated publicly by children on leaving the parental roof, does not revert to the estate on the parents' death.

**Manuyin.** Property may be acquired without being given, while, on the other hand, it may not become vested although it may be given. Children shall retain possession of property and ornaments, belonging to the parents, which ordinarily come into their possession as children, although such property and ornaments may not have been actually given them.

**Ādā.**

[The same Vilāsa.]

Property, animate and inanimate, which comes into the possession of a co-heir without such property being actually given him, and remains in his hands for a length of time during which he has been utilizing it, is known as property which is acquired without being formally given. Such property does not revert to the estate. Manu-  
vanṣanā.

One may acquire right of ownership over property which comes into his possession, although it may not have been given him. Vicchedant.

[The same as Pyu]

Sōda.

Property such as lands, bullocks, buffaloes, rice, paddy, &c., which is in the possession of children although it is not given them by their parents, shall not be subject to partition on the death of the parents. Although the twelve kinds of *thinthi* are not enumerated here, the wise will know them and decide accordingly. Warakāṅga.

Property of which children were in possession during the lifetime of their parents, although it was not given them, shall not be subject to partition, if it is still in their possession on the death of the parents. Dhamma-  
sāra.

[The same as Dhammathatkyaw in substance.]

Kyetyo.

On their marriage, children appropriate property, such as elephants, ponies, gold, silver, slaves, cups, &c., belonging to the parents, without being given them. On the death of the children, the parents cannot resume the property from the surviving children-in-law on the ground that the property was not given. If, on the other hand, the parents die, the co-heirs cannot claim such property as part of the estate on the ground that it was not given by the parents. This is the manner whereby property is acquired without being given. Ditto.

On the death of either husband or wife, the survivor succeeds to the property actually in possession. The survivor is entitled only to the property actually in possession, although it may not have been given (by the parents) and shall not claim any property not in possession. Property is not given but taken away at marriage by one of the co-heirs and utilized by him or her; the other co-heirs shall not say (at the time of partition) that it was not given such co-heir at the marriage; on the death of such co-heir the surviving husband or wife shall succeed to it. Kyannot.

## SECTION 85.

### NO PARTITION AMONG GREAT-GRANDCHILDREN'S CHILDREN.

There shall be no partition of ancestral property among great-grandchildren's children. Dhamma-  
sāra.

Manugyē. [The same as Dhamma.]

Manu. [Substantially the same as Dhamma.]

†Kungya-  
linga The right to claim partition of ancestral property lapses when it has reached the hands of great-grandchildren's children. Whoever of that generation is in possession of it shall have absolute right of ownership over it.

Dāyajja. [The same as Dhamma.]

Dhamma-  
sāra. A claim for partition of ancestral property which has passed into the hands of great-grandchildren's children is inadmissible.

Another Dhammathat says that the right to prefer such a claim extends to great-grandchildren's children and that it lapses only when the property has passed into the hands of their children.

Amwebôn [The same as Dhamma.]

Cittara. [Substantially the same as Dhamma.]

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#### SECTION 86.

#### PARTITION BETWEEN CHILDREN, GRANDCHILDREN, GREAT-GRANDCHILDREN AND THE CHILDREN OF GREAT-GRANDCHILDREN ACCORDING TO THE DEGREE OF RELATIONSHIP.

Kaingza The four kinds of blood relations who may inherit are —children, grandchildren, great-grandchildren and great-grandchildren's children. When partition is made among them, those who stand in close relationship to the ancestor shall get two shares, and those distantly related one share. But among strangers there shall be an equal partition.

Kandaw. [Substantially the same as Kaingza.]

Vanna-  
dhamma There are four classes of heirs, namely, children, grandchildren, great-grandchildren, and great-grandchildren's children. When partition of inheritance is made among them, those standing in close relationship to the ancestor shall get two shares and those distantly related one share. There shall be equal partition among those standing in the same degree of relationship.

Rāsi. [Substantially the same as Kaingza.]

Manu-  
vappanā. [Substantially the same as Kaingza.]

Rājabala. Those who are closely related get two shares and those distantly related one share.

[Substantially the same as Kaingza']

Pāṇāṭh.

In cases of partition of inheritance although the son ordinarily takes precedence of the grandson, yet the shares should be apportioned according to the degree of filial piety shown by each.

Kungva-  
linga.

The expression "those who are near get two shares, and those who are far get one share" may be interpreted to mean either the degrees of blood relationship or the distances at which heirs are resident. As children are said to be more closely situated than grandchildren, so those who live with the parents should be deemed more closely situated than those living apart. So say the *rishis* who possess supernatural powers.

Dhamma-  
sāra.

[Substantially the same as Vannadhamma.]

Cittara.

## SECTION 87

### SHARE OF ABSENT CO-HEIR TO BE RESERVED.

If a co-heir is absent in a distant place, his or her share of the *Mano* inheritance shall be reserved

If a co-heir is absent in a distant place, one share shall be reserved

Ditto.

If a brother is absent on a journey at the time of partition, his share shall be reserved.

Mānussika.

[Substantially the same as the first extract from Mano.]

Vilāsa.

[Substantially the same as Mānussika.]

Ditto.

[The same as the first extract from Mano.]

Kaingza.

[Substantially the same as the first extract from Mano.]

Myingun.

[Substantially the same as the first extract from Mano.]

Dhamma-  
thatkyaw.

If a co-heir is absent in a distant place, his or her share shall be reserved.

Kandaw.

[The same as the first extract from Mano.]

Tejo.

[The same as the first extract from Mano.]

Vagga-  
dhamma.

[Substantially the same as the first extract from Mano.]

Vaṇṇaṭh.

The share of an absent co-heir shall be reserved. On his failing to appear, his children or grandchildren are entitled to such share.

Manayā.

[Substantially the same as the first extract from Mano.]

Rāst.

[Substantially the same as the first extract from Mano.]

Ditto.

Vinichaya.	[Substantially the same as the first extract from Mano.]
Ditto.	[Substantially the same as the first extract from Mano.]
Manu- vannanā.	[Substantially the same as the first extract from Mano.]
Pakāsanī.	[Substantially the same as the first extract from Mano.]
Vicchadant.	If a co-heir is absent in a distant place, his or her share shall be reserved. It shall not be contended that he or she was absent at the time of partition.
Pāṇam.	[Substantially the same as Kandaw ]
Dhamma- sāra.	[Substantially the same as the first extract from Mano.]
Kyetyo.	[Substantially the same as the first extract from Mano ]
Ditto.	[Substantially the same as the first extract from Mano ]
Kyanṇet.	If a brother is absent on a journey, his share shall be reserved.

## SECTION 88

PARTITION OF THE GREAT-GRANDFATHER'S ESTATE BETWEEN  
GRANDUNCLE ON THE ONE PART, AND GRANDCHILDREN AND  
GREAT-GRANDCHILDREN ON THE OTHER.

**Manugyè.** The rule of partition of the great-grandfather's estate between his great-grandchildren on the one part and their granduncle on the other, follows the ordinary rules of partition, according as their grandparents pre-deceased or survived the owner of the estate. Under this rule and under similar conditions, even great-grandchildren's children are entitled to share with their great-granduncle the estate of the latter's father. If two or more persons are the descendants of the same great-grandfather, they shall not take compensation or damages from one another for any actionable wrong committed, because they are heirs of a common ancestor.

**Reṇu.** In the case of partition of the great-grandfather's estate between great-grandchildren and their granduncle, the heirs should see whether the great-grandchildren are entitled to inherit or not and then make the partition.

**Dharmā.** [Substantially the same as Manugyè.]

**Amvāṇ.** [The same as Manugyè.]

**Chāra.** The rule of partition of the great-grandfather's estate between great-grandchildren on the one part and their granduncle on the other, is that the two parties should share the estate equally if the

former's grandparents survive the owner of the estate. An estate is subject to partition among the descendants of the owner down to the third generation; and those in the fourth generation are entitled to get what has passed into their hands and of which they are in possession. Hence, there can be partition of one's estate between his great-grandchildren's children in one line of descendants, and his grandchildren in another.

# SECTION 89.

## PARTITION OF ANCESTRAL PROPERTY AMONG CHILDREN, GRANDCHILDREN, AND GREAT-GRANDCHILDREN.

The great-grandfather's estate shall be divided among his children, grandchildren, or great-grandchildren. Dhamma.

[Substantially the same as Dhamma.] Manugyè.

The ancestral estate is subject to partition even if it has reached the hands of the third generation of descendants. Manu-vanṇana.

[Substantially the same as Dhamma.] Manu.

One's estate is subject to partition among the three previous or the three later generations in the direct line. It should be divided among children, grandchildren, or great-grandchildren, or between great-grandchildren as one party and the children of great-grandchildren as the other. Kungya-linga.

[The same as Manugyè.] Amwebôn.

[Substantially the same as Dhamma.] Cittara.

# SECTION 90.

## DUTY OF THE ELDEST CHILD IN CHARGE OF THE ESTATE TO ALLOW PARTITION AT THE REQUEST OF A BROTHER OR SISTER WISHING TO MARRY OR TO PERFORM SOME CHARITABLE WORK.

When younger brothers or sisters request partition of the parental estate, saying that they are desirous of living separately or that they wish to perform some charitable work, it shall be partitioned (by the elder co-heir in charge of it). Mano.

When a co-heir wishes to perform some charitable work or desires to marry, the parental estate shall be partitioned. Vilāsa.

[The same as Mano.] Kalingga.

**Kandaw.** When the younger brothers or sisters request the elder brother to partition the parental estate, saying that they wish to marry or to perform some charitable work, he shall do so.

**Tejo.** [The same as Mano.]

**Vannadhamma.** [The same as Mano.]

**Vaṇṇanā.** [Substantially the same as Vilāsa.]

**Rāsi.** [Substantially the same as Vilāsa.]

**Manu.** [Substantially the same as Mano.]

**Pānaṇḍ.** [Substantially the same as Kandaw.]

**Cittara.** [Substantially the same as Kandaw.]

**Kyetyo.** [Substantially the same as Vilāsa.]

**Kyannet.** The eldest brother should, on the death of the parents, partition the parental estate in the same way as a father would among his children.

**Ditto.** [The same as the above in substance.]

**Ditto.** If the younger brothers desire to marry, a share of the parental estate should be given them.

#### SECTION 91.

AFTER THE LAPSE OF THREE GENERATIONS AN ESTATE BECOMES VESTED IN THE CHILD WHO ACTS AS CUSTODIAN TO THE EXCLUSION OF THE OTHER CO-HEIRS.

**Yazathat.** The Dhammathats lay down as follows:—the parental estate is left in the hands of one of the co-heirs and no partition is made of it. On the death of that co-heir the estate is handed down to one of his or her children who is a grandchild of the owner of the estate; and no partition is made then also. On the death of that grandchild who acted as custodian of the estate, it is again handed down to one of his or her children who is a great-grandchild of the original owner of the estate, and then also no partition is made. On the death of the last-named custodian, who belongs to the third of the generations succeeding the original owner of the estate, it is handed down to one of his or her children. In the hands of the last custodian, who is the child of the original owner's great-grandchild, the estate is no more subject to partition. Therefore it is ruled that an estate is subject to partition during

three generations succeeding the owner of the estate ; but when it gets beyond the third generation, it is no longer subject to partition.

An estate which has been handed down undivided shall not be subject to partition after the third generation succeeding the original owner , because, relationship by blood shall be considered to have then ceased Maṇu-  
vāṇṇaṇi.

No claim for partition of inheritance shall be made when the estate, which is the subject of the claim, has passed undivided into the hands of the fourth generation succeeding the original owner of the estate Pāṇaṭi.

The Dhammathat says —an estate which is handed down without partition to the third generation succeeding the original owner of the estate is still subject to partition. Beyond the third generation, it shall not be subject to partition. Because kinship with an ancestor ends at the third generation. Therefore an estate is subject to partition down to the third generation, that is to say, among children, grandchildren or great-grandchildren. Kungya-  
linga.

#### SECTION 92.

CASES IN WHICH CHILDREN AND GRANDCHILDREN MAY OR MAY NOT CLAIM PROPERTY GIVEN BY THE PARENTS AND GRANDPARENTS TO STRANGERS.

The restoration of property given to a stranger, through affection, cannot be claimed by the children and grandchildren of the donor : provided that delivery of possession has been effected. But if there has been no such delivery of possession, the property shall still be deemed to be an integral part of the family estate. Maṇu.

Children have no right to demand restoration of property, including slaves, given away to strangers by their parents, provided that there has been delivery of possession. On the other hand, the donee of a gift made by the parents without delivery of possession has no right to demand its delivery on their death, because the validity of a gift is secured only by delivery of possession. This is the ruling of the Rishi Manu. Wārū.

[The same as Maṇu.]

Kaṇḍa.

[Substantially the same as Maṇu.]

Kandaw.

[The same as Maṇu.]

Tejo.

[The same as Maṇu.]

Vaṇṇa-  
dhamma.

[Substantially the same as Maṇu.]

Pāṇaṭi.

## SECTION 93.

## RECIPROCATION OF BENEFITS.

**Mano.** One should revere and cherish a benefactor who has been the means of securing his wealth and prosperity as he would his own parents, and if he fails in this duty one-half of his property shall be forfeited to the latter. If the party neglected be the parents, the forfeiture shall involve the whole estate, and the undutiful child shall be further punished with banishment.

**Kaingza.** [The same as Mano]

**Tejo** One should revere and cherish a benefactor who has been the means of securing his wealth and prosperity, as he would his own parents, and if he fails in this duty one-half of the property shall be forfeited to the latter.

**Vanna-dhamma.** [The same as Tejo]

**Pānam.** [Substantially the same as Tejo.]

## SECTION 94.

RIGHT OF RECOVERY BY THE HEIRS OF THE DECEASED OF PRESENTS TO RULERS, EARNEST-MONEY, VALUE OF GOODS SUPPLIED, AND PROPERTY ENTRUSTED FOR SAFE CUSTODY IN THE HANDS OF STRANGERS

**Pānam.** Property lent or entrusted to others, presents to rulers, the value of goods supplied, earnest-money—such property may be recovered from strangers by the heirs of a deceased person.

## SECTION 95

A DAUGHTER WHO REPUDIATES THE HUSBAND OF HER PARENTS' CHOICE IS EXCLUDED FROM INHERITANCE, NOR MAY SHE CLAIM ANY PORTION OF THE SHARE RECEIVED BY HER BROTHERS, &C.

**Kaingza.** A daughter, who has been given in marriage by her parents, refuses to conform to their wishes and repudiates her husband. She is not entitled to claim any portion of the share of inheritance consisting of slaves, lands, and other property, given by the parents to her brothers and other co-heirs. It is only those daughters who are amenable to parental authority, that have a claim upon the family estate.

This rule expressly applies to sisters claiming a portion of the shares of inheritance assigned to their brothers and other co-heirs.

[Substantially the same as Kaingza.]

Kandaw.

[The same as Kaingza.]

Râst.

A daughter who repudiates the husband chosen by her parents, Pâpâh.  
shall have no claim on the parental estate.

[Substantially the same as Kaingza.]

Cittara.

#### SECTION 96.

WHETHER CHILDREN BORN OF A DAUGHTER WHO MARRIED  
WITHOUT THE CONSENT OF HER PARENTS, ARE ENTITLED  
TO INHERIT.

The Rishi Manu has laid down that "the son born of a daughter who married a man disapproved by her parents, shall not be entitled to any inheritance" Waru.

Even if children are born, as they are the offspring of a union effected without parental consent, they are not entitled to inherit Dhamma-thaikyaw.

The Rishi says — "the daughter whose conduct is like that of a Manu-bitch, as well as her children, shall be excluded from inheritance." The commentary says that, as regards the young woman who is of such unprincipled conduct, her exclusion from inheritance is absolute. But her husband and her children may claim a share of the estate, provided that his name has been disclosed to the parents. It further says that, as regards the offspring of such a union, they are debarred from inheriting any property derived from their grandparents in the course of partition on the death of their mother or step-father. They are entitled only to such property as constitutes the separate property of their mother and the property jointly acquired by their mother and step-father.

A child begotten casually like a dog, of a union which is not sanctioned by parental authority, is not entitled to inherit, because such a union causes much heart-burning to the parents of the young woman. Warulinga.

#### SECTION 97.

RIGHT OF PARENTS TO RESUME PROPERTY GIVEN TO  
CHILDREN.

Parents may resume property still in the possession of children, which was given them through affection, at the time of their marriage, to start them in life. Kungya.

**Dhamma-thatkyaw.** If children have still in their possession any property given by their parents while they were young or after they had attained adolescence, the parents are entitled to resume it, owing to loss of affection, or because of the necessity of acquiring such property, and the children shall not oppose such resumption on the ground that the property is a gift made to them. Parents are vested with dominion over the property of their children.

**Manugyè.** [Substantially the same as Dhammathatkyaw.]

**Ditto.** Parents may resume such unexpended property in the possession of their children, though the latter may be living separately.

**Vañṇanā.** It is immaterial whether the children are living with the parents or not. The latter are entitled to resume any property given to the former through affection, provided that such property still exists. On the other hand, if such property has been expended, the parents shall not demand its restoration.

**Rāsi.** [Substantially the same as Vañṇanā.]

**Manu-vañṇanā.** [Substantially the same as Vañṇanā.]

**Kungya-linga.** Of the two kinds of property given through affection by grandparents and parents to grandchildren and children, namely, that accompanied by delivery of possession, and that not so accompanied, the former kind of property may be resumed at pleasure. In the case of property given by grandparents, its possession shall not be disturbed by the survivor on the death of either. The same rule applies when the property is given by parents.

**Dhamma-sāra.** [Substantially the same as Vañṇanā.]

**Amwebôn.** [The same as the second extract from Manugyè.]

**Cittara.** It is a traditional rule that parents are entitled to resume any property given by them to their children, provided that such property exists. On the other hand, if such property has been expended, no claim shall be preferred by the parents.

**Kyetyo.** [Substantially the same as Rāsi.]

**Ditto.** Loss of affection may entail restoration of property given through affection.

#### SECTION 98.

#### GRANDDAUGHTERS NOT TO INHERIT GRANDFATHER'S OR GREAT-GRANDFATHER'S ESTATE.

**Kyannet.** The following ruling on a difficult point in the law of inheritance may be cited. The daughter of a man who has no son, as well as

the daughter of a daughter, are debarred from inheriting the estate of the grandfather or of the great-grandfather.

SECTION 99.

THE ORASA SHARE OF THE ELDEST BROTHER OR SISTER  
AMONG CO-HEIRS.

If the eldest son has attained official distinction and has liqui- Vilāsa.  
dated his father's debts, let him get the wearing apparel of his deceased father. In the same manner, if the eldest daughter, standing in *loco parentis* has brought up her younger brothers and sisters, and has liquidated the debts of her mother, let her receive the wearing apparel and ornaments of her deceased mother.

Let the eldest daughter receive a fourth of the shares of the Kandaw.  
younger sisters. As for the eldest son who succeeds to the status of the father, let him first take the sheep and goats. As regards elephants, ponies, oxen, buffaloes, peacocks, cereals, and other property, let the eldest son appropriately share with the younger sisters. If any property still remains undivided, let an appropriate partition be made in like manner, and in making such partition discretion should be exercised, avarice should be eschewed, and it should be borne in mind that the co-heirs are children of the same parents.

The eldest son or eldest daughter shall be entitled to inherit the Vanṇanā.  
wearing apparel and jewellery of the father or mother respectively, provided that the son or daughter succeeds to the position of the parent and liquidates the debts of the deceased.

If there is an eldest sister she shall receive one-fourth of the Manu-  
share allotted to her younger brother. The eldest brother shall vanṇanā.  
first receive the sheep and goats. As regards elephants, ponies, oxen, buffaloes, peacocks, cereals, &c, let him share them equally with the younger brother.

The same rule applies to partition of property given during the lifetime of parents.

To the eldest sister and the eldest brother shall be allotted one Pānam.  
pair of bullocks and the sheep and goats.

On the death of the parents, the wearing apparel of the father Ditto.  
shall be allotted to the son, and that of the mother to the daughter.

The eldest son shall have whatever he may choose out of the Dhamma-  
estate as an heirloom, as well as a tenth share of the remainder. sāra.

[The same as Kandaw.]

Cittara.

[The same as Vilāsa.]

Kyetyā.

## SECTION 100.

SHOULD THE ELDEST BROTHER OR SISTER APPROPRIATE THE SHARES OF THE YOUNGER BROTHERS OR SISTERS, HE OR SHE CANNOT INHERIT, BUT BECOMES LIABLE TO PUNISHMENT.

- Mano.** If the elder brother avariciously appropriates the younger brother's share of the estate, he should not be given any portion of the inheritance, but should be criminally punished.
- Mānussika.** If the eldest brother or sister proves avaricious, he or she deserves neither respect nor any portion of the inheritance, but should be criminally punished.
- Pyu.** If the eldest or *orasa* son is an avaricious man, he shall not be shown any mark of respect, nor shall he be given his share of the inheritance; he shall be criminally punished.
- Vilāsa.** If, notwithstanding the respect shown them, the eldest children prove avaricious, they shall no longer be treated respectfully, but shall be liable to forfeiture of their share of inheritance, as well as to criminal punishment.
- Kaingza.** [The same as Mano.]
- Myingun.** The eldest son should take his proper share of inheritance and divide the remainder among the younger children. But if he should covet anything in addition, he is liable to forfeit his own share and to suffer criminal punishment.  
Thus has Manu laid down. But if the eldest son is just and equitable in his partition of the estate, he deserves the respect due to the father.
- Ditto.** If an heir should covet more than his proper share of inheritance, he shall be punished criminally.
- Dhamma-thakkyaw.** If the elder children, through avarice, keep back or misappropriate the share of the younger, they should be shown no mark of respect, their share of inheritance shall be withheld and they shall be publicly put to shame and punished criminally. The elder should cherish the younger children as if they were their own offspring and should deliver to them their respective shares when they marry.
- Kandaw.** [Substantially the same as Mano.]
- Tejo.** [The same as Mano.]
- Vappa-** [The same as Mano.]

[Substantially the same as the second extract from Myin-Varṇanā.  
gun.]

If, on the partition of inheritance, the eldest son desires to have Manuyin.  
more than his proper share, he is liable to forfeit it and to suffer  
criminal punishment also.

[Substantially the same as Mānussika.]

. Rāst.

If, however, the eldest son fails to content himself with his proper Ditto.  
share and avariciously appropriates those of the younger children,  
he shall forfeit his own share and be punished criminally.

[The same as Mano.]

Manu-  
vannanā.

If the eldest brother takes more than his proper share, he shall Vicchedant.  
forfeit it and suffer criminal punishment.

[The same as Pyu ]

Sōnda.

[The same as Mano.]

Manu.

If the *orasa* son is avaricious, he shall forfeit his share of inherit- Pāṇam.  
ance and be liable to criminal punishment.

If the eldest son appropriates the share of the younger children Ditto.  
he shall forfeit his *orasa* share and suffer criminal punishment.

If the eldest son and daughter should, through avarice, conceal Warulinga.  
or retain any portion of the younger children's inheritance, they  
shall forfeit their own shares and be liable to undergo severe criminal  
punishment.

If the eldest son avariciously appropriates any portion of the Cittara.  
younger children's inheritance, he shall forfeit his own share.

If the eldest son avariciously appropriates the whole of the Kyannet.  
estate, no mark of respect shall be shown him. He shall forfeit  
his *orasa* share and shall undergo criminal punishment.

The younger children should treat the eldest son as a father. Ditto.  
If, however, he should appropriate their inheritance through avarice,  
no mark of respect shall be shown him: his own share shall be  
forfeited and he shall undergo criminal punishment.

#### SECTION 101.

NO INTEREST IS PAYABLE BY ANY OF THE CO-HEIRS FOR  
USING ANY PORTION OF THE ESTATE FOR PURPOSES OF  
BUSINESS.

A co-heir may utilize any portion of the estate for purposes of Manu-  
trade, and though he may have been doing so for a length of time, varṇanā  
no interest shall be demanded from him.

## SECTION 102.

THE PROFITS ACCRUING THEREFROM REVERT TO THE ESTATE  
FOR THE BENEFIT OF THE CO-HEIRS.

**Manu-  
vanpanā.** If any profits accrue from the investment in trade of any portion of the estate, the same shall be equitably divided among the co-heirs.

**Pānam.** [Substantially the same as the above.]

## SECTION 103.

PARTITION OF PROPERTY WHICH HAD BEEN RESERVED BY  
THE PARENTS AMONG (a) THE CHILD WHO LOOKED AFTER  
THE PARENTS, (b) THE CHILD WHO PERFORMED THE  
FUNERAL RITES, AND (c) THE REST OF THE CO-HEIRS.

**Dhamma.** The parents reserve a portion of the estate for themselves, and after dividing the rest among their children go and live with one of them. They subsequently remove to the house of another child and there sicken and die. The reserved property should then be divided into four shares, of which three should be given to the child who tended the parents in sickness and performed the funeral rites, and the remaining share should be given to the child who formerly maintained them.

**Ditto.** If the said two children take part equally in the performance of the funeral rites, they shall share the said property equally between them, and liquidate the debts, if any, in the same proportion.

**Manugyē.** If, after partition of the estate, the parents live in the house of one of their children and subsequently sicken and die in that of another, the one who tended them in sickness and performed the funeral rites shall receive three out of four shares of their property. One of these three shares shall be delivered to the other co-heirs; the fourth portion of the property shall be given to the child who previously maintained them.

**Ditto.** If the parents lived in the house of one child and subsequently died in that of another (their property) shall be shared equally between them, the debts, if any, being borne by them in the same proportion. For in the case of a hen with a brood of chickens those which are near her get all the food found by her.

**Manu.** [Substantially the same as the first extract from Manugyē.]

[Substantially the same as the first extract from Manugyè.] Dāyajja.

[The same as the first extract from Manugyè.] Amwebôn.

[Substantially the same as the first extract from Manugyè.] Cittara.

#### SECTION 104.

ON THE DEATH OF THE PARENTS IN THEIR OWN HOUSE,  
PARTITION AMONG CO-HEIRS OF THE PROPERTY RESERV-  
ED BY THE PARENTS FOR USE IN OLD AGE ON THE DIVISION  
OF THE INHERITANCE.

If the parents die in their own house, let the heirs divide the property reserved by the parents for use in old age and for the performance of funeral rites, according to the law of inheritance, and let them liquidate the debts, if any, in proportion to their respective shares. Dhamma.

If, on the partition of the estate, the parents reserve a share for use in old age and die subsequently, let the property left by them be shared by the heirs according to the law of inheritance, and let them liquidate the debts, if any, in proportion to their respective shares. Manugyè.

If the parents die in their own house leaving behind them the property reserved for use in old age, let the heirs share it in accordance with the Dhammathats Manu.

[The same as Manugyè] Amwebôn.

[Substantially the same as Manugyè.] Cittara.

#### SECTION 105.

RIGHT TO INHERIT OF THE REPRESENTATIVE OF A DECEASED  
CO-HEIR WHO DIED AFTER THE PARENTS, BUT BEFORE  
PARTITION, OF THE INHERITANCE.

If a co-heir dies before partition of the inheritance, let his wife and children inherit his share. If there are no such representatives, let his other relatives inherit such portion of it as is reasonable. Mano.

If one of the co-heirs dies, let his wife and children inherit his share. Failing them, let the other co-heirs divide the share among them equitably. Ditto.

If, during partition of the inheritance, one of the co-heirs dies, his wife and children shall inherit his share. Mānussika.

- Pyu.** On the death of one of the co-heirs before partition of the inheritance, his wife and children, or failing them, his grandchildren shall inherit his share; in the case of grandchildren the share shall be allotted with discretion.
- Vilāsa.** If a co-heir dies before partition of the inheritance, his wife and children shall inherit his share.
- Ditto.** If one of the co-heirs dies before partition of the inheritance, his wife and children, or failing them, his grandchildren shall receive his share. But the grandchildren shall not obtain as much as the children would receive.
- Kungya.** If, after the death of the parents and before partition of the inheritance, one of the co-heirs dies, let his wife and children inherit his share.
- Kaingza.** [The same as Mano.]
- Myingun.** The grandchildren and great-grandchildren, if any, shall be given suitable shares.
- Dhamma-thatkyaw.** On the death of a co-heir, let the surviving son, daughter, husband, wife, or other near relative, inherit his or her share.  
If an elder brother or an elder sister dies before partition of the joint estate, his or her children or grandchildren are entitled to obtain his or her share of the estate.
- Dhamma.** When a co-heir dies after the parents but before partition of the inheritance, let his wife and children, if any, inherit his share.
- Manugye.** On the death of a co-heir after the parents' death but before partition of inheritance, let his wife and children inherit his share. In case the co-heir is a daughter of the owner of the estate, let her husband and children inherit her share. The same rule governs the liquidation of debts, if any.
- Kandaw.** [Substantially the same as Mano.]
- Tejo.** [The same as Mano.]
- Vappa-dhamga.** [The same as Mano.]
- Vappana.** If a co-heir dies before partition of the inheritance, let the husband or wife, as the case may be, and the children, inherit his or her share. If there are no such representatives let the share be divided equally among the surviving co-heirs.
- Manayita.** If the son is dead, let the daughter-in-law inherit.

[Substantially the same as Vaṇṇanā.]

Rāsi.

[Substantially the same as Mano.]

Ditto.

[Substantially the same as Pyu.]

Viniichaya.

Though a co-heir may be dead, yet his or her heirs may inherit the share. Ditto.

[Substantially the same as Mano.]

Manu-  
vaṇṇanā.

[Substantially the same as Pyu.]

Pakāsani.

If the eldest brother has no son, let his wife inherit.

Vicchedanī.

If, after the death of the parents, the son dies, let his wife or children inherit his share *in toto* Rājabala.

[The same as Pyu.]

Sōnda.

If, after the death of the parents, but before partition of the inheritance, one of the co-heirs dies, let his wife and children inherit his share and let not the other co-heirs say aught against it. But in case there are no such representatives of the deceased let the share be divided equally among the surviving co-heirs. Manu.

[Substantially the same as Mano.]

Pāpaṇ.

[Substantially the same as Rājabala.]

Ditto

If the heir dies in a distant place, and when such death has been ascertained, his share should be given to his wife and children. Dhammasāra.

[The same as Manugyè.]

Amwebōn.

The deceased co-heir's husband or wife, as the case may be, and the deceased's children, should inherit the share. Cittara.

If a co-heir dies before partition of the inheritance, the surviving wife or husband and the children should receive the share. Kyetyo.

If a co-heir dies before partition of the estate, his wife and children, if any, shall inherit his share. If there is only a grandchild surviving, he or she shall inherit it. But the grandchild shall not share equally with the co-heirs. Ditto.

If any co-heir dies, his wife and children shall inherit his share. If there is no such representative, it shall be divided equitably among the other co-heirs. Kyannet.

## SECTION 106.

SHARE OF A DECEASED CO-HEIR HAVING NO REPRESENTATIVE  
TO DEVOLVE ON THE SURVIVING CO-HEIRS.

- Pyu.** If there are no children or grandchildren, let the surviving relatives and intimate friends receive each a small portion. But when there are no such representatives, let the share of the deceased be divided among the surviving co-heirs and their descendants.
- Vilāsa.** When a deceased co-heir has no representative surviving, his or her co-heirs shall inherit the share.
- Ditto.** When a deceased co-heir has no children or grandchildren, the surviving co-heirs shall inherit his or her share
- Ditto.** If there are no parents surviving, let his brothers inherit his share.
- Myingun.** If there are no such representatives let the surviving co-heirs, as is customary, inherit the deceased's share.
- Dhamma-thatkyaw.** If an heir dies before receiving his or her share and before marriage, \* \* \* \* \* let the surviving co-heirs inherit the share.
- Rāsi.** The co-heirs should inherit when the deceased leaves no heir.
- Vinicchaya.** If there are no children or grandchildren, the co-heirs should inherit the share of the deceased.
- Pakāsañi.** If the fourth child who is a son dies without any heir, let his share be divided among the surviving co-heirs.
- Sōnda.** [The same as Pyu.]
- Dāyajja.** When a deceased couple have no children, let the co-heirs inherit. As to the wife's personal property, which was originally brought by her to the marriage, such as lands, cattle, clothes, and ornaments, let her kindred inherit. In like manner, let the husband's kinsmen have his personal property.
- Dhamma-sāra.** If there are no wife and children, the deceased's share should, in accordance with the rulings of the excellent jurists of old, revert to the estate for the benefit of the surviving co-heirs.
- Amwebōn.** After the death of both parents and before any of the children are married, if one should die previous to partition of the estate, let the surviving co-heirs divide equally among themselves the deceased's share.
- Kyetyo.** If there is no representative, the deceased's share should be divided among the surviving co-heirs.

If there are neither parents nor heirs, the surviving co-heirs *Kyetyo* should inherit,

SECTION 107 [Omitted.]

SECTION 108. [Omitted.]

SECTION 109.

A CO-HEIR SUPPORTED BY ANOTHER DIES HEIRLESS: PARTITION OF HIS SHARE BETWEEN THE SUPPORTER AND THE OTHER CO-HEIRS.

Although a co-heir may have supported another co-heir and performed the funeral rites when he died, because the other co-heirs refused to do so owing to his poverty, yet he is not entitled to the whole of the deceased's share. Let him have, out of the share, the equivalent of the expenses he has incurred and let him divide the remainder equally with the other co-heirs. If the person who supported and buried the co-heir were a stranger, let him have an equal share with the surviving co-heirs. *Yazathat.*

When there are no parents surviving, the co-heirs and those who supported the deceased shall inherit his share. *Damma-thatkyaw*

A co-heir who lived in another co-heir's house was attended to when he was stricken down with illness and was buried when he died by the owner of the house, assisted by the other co-heirs. In such a case let the whole of the personal property left behind by him, both animate and inanimate, be given to the co-heir who supported him and performed his funeral rites. The other co-heirs of the deceased have no claim on such property. If the parental estate has not yet been partitioned, half of the deceased's share shall be given to the surviving co-heirs, and the other half to the co-heirs who supported him and performed his funeral rites. His liabilities, if any, shall be discharged in the same proportion. *Damma.*

[Substantially the same as Dhamma.]

*Manugyè.*

[Substantially the same as Dhamma.]

*Manu.*

The same rule holds good when a co-heir dies in the house of another co-heir. *Paṇam.*

If he attends on a sick co-heir living in his house and subsequently buries him when he dies, let him have the deceased's personal property. Also let the surviving co-heirs give him half of the deceased's share of the parental estate. *Ditta.*

- Dāyajja.** If a couple die heirless, let their property be divided equally between the co-heirs and those who performed the funeral rites.
- Ditto.** If one of the heirs is an invalid or an imbecile and is supported by a stranger, let his property be given to his supporter when he dies.
- Ditto.** Another son lives in the house of a co-heir for a length of time and then dies. In such a case all the property left behind by him shall be given to the co-heir who supported him and performed his funeral rites. So says the excellent Rishi.
- Ditto.** Another son falls ill and a co-heir takes him to his house, treats him medically and performs his funeral rites when he dies. Let all the property, animate and inanimate, left by the deceased, be taken by such co-heir and let none of the other co-heirs claim any portion thereof. Moreover, let the said co-heir have half the deceased's share of the parental inheritance whether it had already reached his hands or not.
- Amwebōn.** [Substantially the same as Dhamma.]
- Cittara.** [Substantially the same as Dhamma.]

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 SECTION 110.

 ON THE DEATH OF THE PARENTS, PARTITION BETWEEN A  
CO-HEIR WHO IS A NEUTER AND THE OTHER CO-HEIRS.

- Mano.** If one of the co-heirs is a neuter, he should not be given an equal share with the other co-heirs, but should be allowed only a suitable portion.
- Mānussika.** If a co-heir is a neuter or a natural eunuch or a hermaphrodite, he should not have an equal share with the other co-heirs: he should be given merely a portion sufficient for his food and raiment.
- Vilāsa.** A co-heir who is physically defective, insane, leprous, blind, dumb, deaf, or who is a neuter, a eunuch, an imbecile, or an outcast from the family, shall not share equally with the other co-heirs but shall be given merely a portion sufficient for his maintenance. So says Rishi Manu. Certain other jurists, however, lay down that even if a co-heir is born a lower animal in consequence of his evil *karma* it should have a share equally with the other co-heirs.
- Waru.** O excellent king! If there are neuters or natural eunuchs in a family, they should not share the inheritance equally with the other

co-heirs, but should receive portions sufficient for their maintenance.

[The same as Mano.]

Kaingra.

Yazathat.

With reference to the statement that a co-heir who is naturally impotent, physically defective, insane, imbecile, halting, or dumb should receive merely a portion of the inheritance sufficient for his maintenance, and the other statement that even if one of the co-heirs is a snake, it should have its proper share, the following are the rulings. Though a co-heir may be naturally impotent, physically defective, insane, imbecile, halting, or dumb, let him have his proper share of the inheritance; and if he is unable to take charge of it, let the other co-heirs do so and maintain him for life with it, and when he dies, let his funeral rites be suitably performed and let the expenses be paid out of the same. Should there be any surplus, let the surviving co-heirs divide it equally among themselves. If the co-heir aforesaid is desirous of taking charge of his own share and is able to do so, let him have charge of it.

In the case of a family where the children are not equally favoured by nature, where there are some who are guilty of misconduct, who can render no assistance for the benefit of the estate, or are not amenable to parental authority, who are natural eunuchs, or in whose behalf compensation has had to be made, the partition of inheritance should conform to the circumstances of each individual heir.

Myingua.

The children in a family cannot be equally gifted. Some may be dumb, halting, deaf, blind, leprous, herpetic, insane, impotent, physically defective, or so disobedient as to become outcasts from the family. These should not share the inheritance equally with their well favoured co-heirs, but should merely receive portions sufficient to maintain them suitably in life. So says the Rishi.

Dhamma-  
thatkyaw

If a co-heir is a neuter or a natural eunuch, let only a subsistence allowance be given out of the parental estate.

Dhamma.

The eldest son born of a union sanctioned by parental authority is called an *orasa*, and when such a son has a co-heir who, though originally born a male, turns into a female for a fortnight every month, let only a subsistence allowance be given to the co-heir.

Manugya.

Further, there is a ruling that if a co-heir is a neuter he or she shall not share equally with the other co-heirs, but shall have merely a subsistence allowance.

Kandaw.

Tejo. [The same as Mano.]

Vapna-  
dhamma. [The same as Mano.]  
Vappanā.

Co-heirs who are halting, dumb, blind, deaf, insane, or who are neuters, natural eunuchs, cripples, or outcasts from the family, shall not share equally with the other co-heirs, but shall have only suitable portions sufficient for their maintenance.

Manuyin. Let eunuchs, disobedient and vagrant children, and children against whom compensation had frequently been adjudged shall have reduced shares.

Rāsi. It is in consequence of the *karma*, of deeds good and evil, done in his anterior births that a son is born his father's superior, his father's equal or his father's inferior. So that those of the co-heirs who are halting, deaf, impotent, physically defective, or excommunicated from his or her kindred, shall not share equally with the others. They shall be given merely the wherewithal to procure their food and raiment. So says the Rishi Manu.

Ditto. There are five kinds of neuters, namely :

\* \* \* \* \*

These shall not share equally with the other co-heirs, but shall merely have suitable portions. So say several jurists. But there are others who urge that, though in consequence of his evil *karma*, a co-heir is born a lower animal, he should share equally with the others. The sacred writings, however, abound with the statement that the qualification of each heir should be taken into consideration.

Manu-  
vappanā. If among the co-heirs there is a neuter, he or she shall not share equally with the others, but shall have merely a suitable portion. There are, properly, five kinds of neuters, namely :

\* \* \* \* \*

Though the co-heirs may be differently gifted by nature, yet each should have his or her proper share under the rules of partition previously mentioned. During Dīpankarā Buddha's dispensation, a certain woman gave birth first to two sons, next a daughter, and lastly a snake. When, on the death of the parents, the children were about to partition the property left, the reptile came and coiled itself on the heap accumulated. The incident immediately reached the ears of the King and the property had to be divided into four shares. The snake then added its share to the sister's and went its way. This precedent should be borne in mind, and though a co-heir may be ill-favoured by nature, he should be given his proper share.

If a co-heir has been a disobedient child, or one in whose behalf Vicchedant. compensation has had to be frequently paid, or is a eunuch, or has proved of no assistance to the parents in his or her capacity as their eldest child, let his or her share be reduced.

If a co-heir is a natural eunuch, a cripple, or an imbecile, or is halt- Rājabala. ing or dumb, he or she shall have his or her proper share. If he or she is unable to take care of the share, let it be entrusted to the keeping of one of the other co-heirs. In the event of his or her death, let the surviving co-heirs divide it equally among themselves.

If, among the co-heirs, there is a natural eunuch or a neuter, he or Manu. she should not be given the share to which he or she would be (otherwise) entitled.

If one of the co-heirs is a neuter, let him merely have a portion Pāṇash. sufficient for his maintenance.

If, among several children, there is a neuter, let him not share Kuṅgya-linga. equally with the other co-heirs, but let him have merely a suitable portion.

If one of the co-heirs is a hermaphrodite, or a neuter, or one who Dāyājja. owing to evil *karma*, is a male for the first half of a month and a female for the other half, let him not share equally with the other co-heirs, but let him have merely a subsistence allowance.

But if, among the four classes, one of the co-heirs is a neuter, he Warulinga. shall not have his share but shall be given only a subsistence allowance.

If, among several children, one is in consequence of his *karma* Dhamma-sara. born a cripple, a neuter or a hermaphrodite, or is alternately a male and a female according to the waxing and waning of the moon, let him have merely a suitable portion.

[Substantially the same as Manugyè.]

Amwebôn.

If a co-heir is dumb, halting, deaf, impotent, crippled, or expelled Cittara. from the family, let him not share equally with the other co-heirs, but let him have merely a portion sufficient for his maintenance.

Certain jurists say that only a subsistence allowance should be Ditto. given to a co-heir who is halting, dumb, blind, or impotent, while others aver that such a one should be allowed to share equally with the others, even if it were a snake.

[The same as Vilāsa.]

Kṛtya.

**Kyannet.** A co-heir who is dumb, blind, insane, deaf, expelled from the family, or wanting in self-respect, should not have his share along with the other co-heirs; an allowance sufficient for his maintenance should suffice. So says the Rishi.

## SECTION 111.

## ON THE DEATH OF THE PARENTS, PARTITION BETWEEN A CO-HEIR SUFFERING FROM AN INCAPACITATING PHYSICAL DEFECT AND THE OTHER CO-HEIRS.

**Pya.** Although children who are deaf, dumb, or blind cannot inherit, they shall not be left in indigent circumstances. Property sufficient for their maintenance should be given them.

**Vilāsa.** [The same as in section 110.]

**Yasathat.** [The same as in section 110.]

**Myingun.** Rishi Manu says that children, though born of the same parents, should receive shares varying in proportion to their respective qualifications.

**Dhamma-thatkyaw.** [The same as in section 110.]

**Dhamma.** If a co-heir is physically defective, dumb, leprous or deformed, the due share of inheritance shall be allotted to him or her, but it shall be taken in trust by one of the co-heirs who shall tend and maintain the invalid. On the death of such co-heir, his or her property shall be obtained by the co-heir who maintained the deceased when living.

The eldest son shall get his due share, though he may be blind or deaf.

**Manugyb.** Of the children born in lawful wedlock, if one is physically defective or dumb, or is suffering from an incurable disease or an incapacitating physical deformity, the due share of inheritance shall be allotted to such child, who shall be taken care of by one of the co-heirs. On the death of such co-heir, his or her share of inheritance shall be obtained by the co-heir who supported and maintained the deceased. An heir, though blind or deaf, shall obtain the due share of inheritance if he or she is helpful to the family.

If the eldest son is blind or deaf, a younger son who is free from physical defect shall be elected as the eldest son and he shall get his father's pony, elephant and office.

The Rishi Manu places the right of the heirs who are physically defective, dumb, insane, or blind, on an equal footing with that of those who are not so affected, because they may be cured by proper medical treatment.

[The same as in section 110.] Vanpanā.

[The same as the first extract from Rāsi in section 110.] Rāsi.

[The same as in section 110.] Rājabala.

[The same as Pyu.] Sōnda.

A co-heir who is dumb, &c., shall get his or her due share. Manu.

Co-heirs who are deaf, dumb, or insane, whether sons or daughters, Dāyājña shall get an equal share with the other co-heirs, and shall be looked after by them.

[The same as the first paragraph of the extract from Amwebōn. Manugyè.]

[The same as the first extract from Cittara in section 110.] Cittara.

Among brothers and sisters, if one becomes insane, lame, leprous, blind or dumb, he or she shall get an equal share with the others, and the share shall be taken in trust by one of the co-heirs who shall tend and maintain him or her. On his or her death any property left shall be inherited by the supporter. Ditto.

• [The same as the second extract from Cittara in section 110.] Ditto.

[The same as in section 110.] Kystya.

#### SECTION 112.

THE DAUGHTERS INHERIT THE MOTHER'S SEPARATE PROPERTY, WHILE THE SONS INHERIT THE FATHER'S SEPARATE PROPERTY: THE LETTETPWA PROPERTY TO BE DIVIDED AMONG THE CO-HEIRS

On the father predeceasing, the sons are entitled to his separate property, and on the mother predeceasing, the daughters are entitled to her separate property. Mānussmṛti.

The daughters alone are entitled to the mother's separate property Kyannet and the sons alone to the father's separate property. The sons shall not inherit the mother's separate property, nor the daughters the father's. As regards the property jointly acquired, it shall be divided in due proportion among both sons and daughters.

## SECTION 113.

THE SON TO INHERIT THE SEPARATE PROPERTY OF THE MOTHER, WHEN THERE IS NO DAUGHTER. FAILING CHILDREN, THE BLOOD RELATIVES TO INHERIT THE SAME.

**Kyannet.** The daughters are entitled to the mother's separate property. Failing daughters, the sons are so entitled. Failing both, only (blood) relatives are entitled.

## SECTION 114.

WHETHER YOUNGER CHILDREN MAY PARTICIPATE IN THE ONE-FOURTH *ORASA* SHARE GIVEN BY THE PARENTS TO THE ELDEST CHILD.

**Waru.** The one-fourth share of an *orasa* shall be divided between the *orasa* son and his co-heirs in the following manner.

The property shall be divided into ten shares, and the eldest son shall get two shares. The remainder shall be divided into ten shares, and the eldest daughter shall get two shares. The remainder shall again be divided into ten shares, and the next younger brother shall get one share. The remainder shall again be divided into ten shares, and the next younger sister shall get one share. The remainder shall again be divided into ten shares, and the third brother shall get half a share; the remainder to be divided as before, and the third sister shall get half a share. The residue shall then be divided equally among all the children.

**Dikto.** The one-fourth *orasa* share shall be divided among the eldest daughter and the co-heirs according to the ordinary rules of inheritance.

**Kungya.** The one-fourth *orasa* share shall be divided among the children according to the ordinary rules of inheritance with due regard to their respective ages.

**Manugyè.** The rule of partition of the one-fourth share allotted on the death of the father to the *orasa* son, between such *orasa* son and his co-heirs is as follows:—

The eldest son shall get the father's elephant, pony, clothes, ornaments, sword, cup, and official appendages. The remainder shall be divided among the heirs only on the death of the mother.

The same rule applies, *mutatis mutandis*, when the eldest daughter claims partition on the death of the mother.

**Vinichaya.** The one-fourth *orasa* share shall be divided among the brothers as follows:—

The property shall be divided into ten shares, and the eldest son shall take two shares; the remainder shall be divided into ten shares, and the second son shall take one share and a half; the remainder shall again be divided into ten shares and the third son shall take one share; the remainder shall be divided again into ten shares, and the fourth son shall take half a share. The residue shall then be divided into as many shares as there are sons, and each shall take one share.

The usual rules apply to partition among co-heirs of the one-fourth Vinicchaya.  
orasa share

[The same as Manugyè ]

Amwebôn.

#### SECTION 115.

WHETHER A GIFT MADE BY PARENTS THROUGH AFFECTION  
IS VALID OR NOT.

A gift made by parents becomes the separate property of the Vilāsa.  
donee and is not subject to partition.

[Substantially the same as Vilāsa.]

Dhāmmhat-  
kjaw.

Ditto.

The parents make a gift of property to their children. The donees shall have the right to retain possession of the property, subject to the right of resumption on the part of the donors during their lifetime. On the death of the parents the property becomes the separate property of the donees and their co-heirs shall not prefer any claim to the same.

[Substantially the same as Vilāsa ]

Rāst.

The following four kinds of property are not subject to partition, Vinicchaya.  
namely: (1) property given by parents during their lifetime; (2) that acquired by one's own skill; (3) that given by strangers; and (4) that given at the time of marriage.

[Substantially the same as the above ]

Pakāsani.

A gift made by parents to children through affection becomes the separate property of the donees. Cittara.

#### SECTION 116.

BRIDAL PRESENTS GIVEN TO A GIRL SHOULD BE EXCLUDED  
FROM THE ESTATE AS IT BECOMES HER PERSONAL PRO-  
PERTY.

Bridal presents given (by the bridegroom) to the parents of a Rāst.  
girl, such as gold, silver, elephants, ponies, bullocks, buffaloes, &c.,

if left unexpended by the parents should, on their death, be excluded from their estate. Such presents become the personal property of the girl, and her co-heirs shall not claim them.

**Kyannet.**

The parents do not retain the bridal presents, but make them over to their daughter on her marriage. The sons cannot claim such property as it cannot be deemed part of the patrimony. It is the personal property of the daughter.

#### SECTION 117.

A CO-HEIR IS NOT ENTITLED TO A LARGER SHARE ALTHOUGH HE MAY HAVE EXERTED HIMSELF MORE THAN THE OTHERS FOR THEIR JOINT BENEFIT.

**Rāst.**

A co-heir is not entitled to a larger share of inheritance on the ground that he has worked more zealously than the others for their joint benefit.

#### SECTION 118.

THERE MAY BE MANY WIVES WHO HAVE "EATEN OUT OF THE SAME DISH" WITH THE HUSBAND AND WHO HAVE EACH A SON, BUT ONLY THE SON BY THE FIRST WIFE IS THE *ORASA*.

**Dhamma.**

If the son by the first wife is not known to the officials and cannot assume the father's office, any of the sons, irrespective of the priority of the marriage of their respective mothers, may inherit the office, provided he is known to the officials and can assume the responsibility. If the son by the first wife is qualified, he shall have the first claim. If the first wife is not of the same class as the husband, but the second wife is, and if the sons by both are equally qualified to assume the father's office, then the son by the latter shall get it and the emoluments accompanying it; and the son by the former shall get the father's personal property and take out of the estate his share as an *orasa*. The remaining property shall then be divided among the children according to the class to which their mothers respectively belong, and under the ordinary rules of inheritance. If the first and second wives are of the same class as their husband, and if their sons are equally qualified for the father's office, then shall the son by the former inherit the office and have also the *orasa* share in the partition of the estate. Debts, if any, shall be liquidated in the same proportion as the shares.

**Manugyā.**

If there are several wives and each has a son, the son by the first wife shall be the *orasa*.

If there are several wives who "eat out of the same dish" with the husband and who have each a son, the son by the first wife shall be the *orasa*. Dāyāja.

[The same as Manugyè.]

Amwēḥa.

Among a number of sons by several wives, only the son by the first wife shall obtain the father's office. Cktara.

#### SECTION 119.

WHETHER A GIFT MADE TO AN INFANT AT THE CEREMONY OF PLACING IT IN THE CRADLE CONSTITUTES *THINTHI* OR NOT.

The parents make a gift of property to their children on the following occasions, namely: (1) placing them in the cradle; (2) shaving the head; (3) ear-boring; (4) marriage; and (5) illness. Only such of the property as has actually passed into the hands of the donees shall constitute their *thinthi*. Dhamma.

The donees shall not obtain the property given if unaccompanied by delivery of possession, although there may be documentary evidence in support of the gift.

Gifts made by parents to children at the ceremony of placing them in the cradle, of shaving the head, of ear-boring, and at the time of marriage, are not valid if unaccompanied by delivery of possession. The donees shall not obtain the property given when there has been no delivery of possession, even if there is documentary evidence of the gift. Manugyè.

[Substantially the same as Dhamma.]

Rājabala.

The following kinds of property should not be considered as part of the estate, nor should they be deemed to be subject to partition, namely: (1) gift made by parents to children at the ceremony of placing them in the cradle; (2) that made at the ceremony of shaving the head; (3) that made at the ceremony of ear-boring; (4) that made at the time of marriage; (5) that made at the time of entering the Order; (6) that made during illness; (7) property taken away by children on their leaving the parental roof; (8) that acquired by one's own skill; (9) that given by strangers; (10) that given by grandparents; and (11) that given by the king. Manu.

Ornaments, such as ear-rings, bracelets, armlets, anklets, necklaces, and finger-rings, &c., worn in succession from the eldest to the youngest child shall become the personal property of the last wearer. The elder children shall not prefer any claim to such property. The co-heirs shall not claim the property given to any of them.

during a ceremonial when such property has passed into the hands of the donee.

**Pāṇan.**

The twelve classes of *thinthi* or separate property of children are—(1) property acquired by personal skill; (2) gift made to children at the ceremony of placing them in the cradle, (3) that made at the ceremony of shaving the head, (4) that made at the ceremony of ear-boring; (5) that made at the time of entering the Order, (6) that made at the time of marriage; (7) that made during illness; (8) that made by the king, (9) that made by grandparents, (10) that made by strangers, (11) property found ownerless; and (12) ornaments given for personal adornment.

If any of the property enumerated above has passed into the hands of the children, it shall not form part of the estate. But a gift made at the time of entering the Order shall become the *thinthi* or separate property of the donee even if there has been no delivery of possession; because such gift is made with the view of attaining merit in future existences. So says Rishi Manu.

**Kungya-  
linga.**

The twelve classes of *thinthi* are—(1) gift made to an infant at the ceremony of placing it in the cradle (2) that made at the ceremony of shaving the head, (3) that made at the ceremony of ear-boring; (4) gift made to children at the time of marriage, (5) that made during illness, (6) that made at the time of entering the Order; (7) ornaments given to children for personal adornment; (8) property taken away by children on their leaving the parental roof; (9) property acquired by one's own skill; (10) gift made by strangers through affection; (11) gift made by grandparents, and (12) gift made by the king.

Of the twelve kinds of *thinthi* enumerated above, the following four shall be deemed the absolute property of the donee or the person who acquired the property, the co-heirs having no right whatever to them, namely: (1) gift made at the time of entering the Order; (2) that made by grandparents, (3) that made by the king; and (4) property acquired by one's own skill. The remaining eight kinds may be subject to partition.

**Dāyaja.**

The twelve kinds of separate property are the following: (1) gift made to an infant at the ceremony of placing it in the cradle; (2) that made at the ceremony of shaving the head; (3) that made at the ceremony of ear-boring; (4) gift made to children at the time of marriage; (5) that made at the time of entering the Order; (6) that made during illness, or at the time of washing the head, or at the ceremony of naming, with a view to ward off danger; (7) property acquired by personal skill; (8) gift made by grandparents; (9) that

made by the king ; (10) that made by strangers through affection ; (11) ornaments given for personal adornment in youth ; and (12) property taken away by children on their leaving the parental roof.

Of the twelve kinds of property enumerated above, except gifts Dāyajja. made at the time of entering the Order, those made by the king, those made by strangers, those made by grandparents, and property acquired by personal skill, ownership shall be absolute only when there has been delivery of possession.

[The twelve kinds of *thinthi* which are enumerated here, are the same as those enumerated in the first extract from *Dāyajja*.] Dhamma-sāra. The co-heirs shall not claim such property as part of the estate.

Of the property known as *thinthi*, that of which the owner has Amwabōn. been in actual possession shall not be subject to partition. Whether the property, appropriated by children on their leaving the parental roof, and classed as *thinthi*, is subject to partition or not among the brothers and sisters, has already been decided above.

Gifts made by parents to children at the ceremony of placing them in the cradle, those made at the ceremony of shaving the head, those made at the ceremony of ear-boring, those made at the time of marriage, and those made during illness are not valid if unaccompanied by delivery of possession. The donees shall not obtain the property given when there has been no delivery of possession, even if there is documentary evidence in support of the gifts.

Property is appropriated by children on their leaving the parental Ditto. roof. On the death of such children the parents cannot recover the property from the surviving children-in-law. Such property is not subject to partition among the co-heirs after the death of the parents, and those who are in actual possession of it shall become its absolute owners.

On the death of the husband or of the wife, the survivor inherits Cittara. the following property provided it has been in their possession : (1) gift made to the deceased at the ceremony of placing him or her (while yet an infant) in the cradle, (2) that made at the ceremony of shaving the head ; (3) that made at the ceremony of ear-boring ; and (4) that made at the time of marriage.

[The twelve kinds of *thinthi* enumerated here are the same as Ditto. those enumerated in *Dāyajja*.] They become the separate property of those who are in possession of them.

Out of the twelve kinds of gifts, seven are not valid unless Ditto. accompanied by delivery of possession. The donees shall not get

the property which constitutes such gifts even if there is evidence, oral or documentary, in support of them. The property shall revert to the estate.

**Shinthaba.** Some of the Dhammathats say that the property given to an infant at the ceremony of placing it in the cradle should be deemed *thinthi* or separate property. But whether the ownership of such property shall be absolute or not should be decided after consulting various other Dhammathats, as well as *yazathats*, re-scripts; and ancient judgments and rulings, due consideration being taken of the circumstances bearing on the case in regard to time and place, value and nature of the property in question

#### SECTION 120.

WHETHER A GIFT MADE TO AN INFANT AT THE CEREMONY OF SHAVING THE HEAD CONSTITUTES *THINTHI* OR NOT.

**Vilāsa.** The parents cannot resume any property, such as gold, silver, cows, and buffaloes, given to their children at the ceremony of shaving the head, and at the time of their marriage, if accompanied by delivery of possession. But they can resume a gift made through affection.

Dhamma.	[The same as in section 119.]
Manugyè.	[The same as in section 119.]
Rājabaḷa.	[The same as in section 119.]
Manu.	[The same as in section 119.]
Pāpaka.	[The same as in section 119.]
Kungya- linga.	[The same as in section 119.]
Dāyājja.	[The same as the first extract in section 119.]
Ditto.	[The same as the second extract in section 119.]
Dhamma- sāra.	[The same as in section 119.]
Amwebōn.	[The same as the first extract in section 119.]
Ditto.	[The same as the second extract in section 119.]
Cittara.	[The same as the first extract in section 119.]
Ditto.	[The same as the third extract in section 119.]
Shinthaba.	[The same as in section 119, except that the property mentioned here is that given to an infant at the ceremony of shaving the head.]

SECTION 121.

WHETHER A GIFT MADE TO A CHILD AT THE CEREMONY OF  
EAR-BORING CONSTITUTES *THINTHI* OR NOT.

[The same as in section 119.]	Dhamma.
[The same as in section 119]	Manugyè.
[The same as in section 119]	Rajabala.
[The same as in section 119.]	Manu.
[The same as in section 119]	Pānāh.
[The same as in section 119.]	Kungya- linga.
[The same as the first extract in section 119]	Dāyafja.
[The same as the second extract in section 119.]	Ditto.
[The same as in section 119]	Dhamma- sāra.
[The same as the first extract in section 119]	Amwetōn.
[The same as the second extract in section 119.]	Ditto.
[The same as the first extract in section 119.]	Çittara.
[The same as the third extract in section 119]	Ditto.
[The same as in section 119, except that the property mentioned here is that given to a child at the ceremony of ear-boring.]	Shinhaba.

SECTION 122.

WHETHER A GIFT MADE AT THE TIME OF MARRIAGE CON-  
STITUTES *THINTHI* OR NOT.

The co-heirs shall have no claim to any property given to a daughter as dowry on her marriage. Such property is inherited by her children according to the rules of inheritance. Property other than the dowry shall be equitably divided among all the co-heirs according to the rules contained in the Dhammathats.

The following are deemed the separate property of the possessor or the donee, namely: (1) property given by persons since dead; (2) that acquired by personal skill; (3) profits accruing from capital supplied by friends; and (4) dowry received on marriage.

The parents give their children in marriage after giving them dowry. They are at liberty to resume it if it is still existing, but if

it has been expended by the donees or their successors, the donors cannot claim restitution. The rule is equally applicable to children living apart from, as well as those living with, the parents.

**Vilāsa.** [The same as in section 120.]

**Kainga.** [The same as Mano.]

**Myingun.** Dowry does not form part of the estate and is not subject to partition.

**Ditto.** The co-heirs shall have no claim to the following four kinds of property given to, or acquired by, any one of them, namely: (1) property left as a gift by a person since deceased; (2) property acquired by personal skill; (3) property received from friends; and (4) dowry.

**Dhamma.** The parents of a young couple publicly make a gift of animate and inanimate property as dowry. The gift is valid only as regards such portion of it as has been delivered into the possession of the donees. The parents are at liberty to withhold delivery if the donees claim possession of the property not yet delivered. They can even resume the property already delivered if it is still existing, but they cannot enforce restoration if it has been expended.

**Ditto.** [The same as in section 119.]

**Manugyè.** At the time of the marriage of their children, the parents make publicly in the presence of witnesses, a gift of animate and inanimate property such as gold, silver, jewellery, elephants, ponies, bullocks, buffaloes, slaves and lands. The children cannot claim possession of the property if there has been no delivery of possession. The gift is valid only as regards such portion of it as has been delivered into the possession of the donees, and they are at liberty to expend the whole of the portion in their possession.

**Ditto.** [The same as in section 119.]

**Tejo.** [The same as Mano.]

**Vanna-dhamma.** [The same as Mano.]

**Ditto.** Children shall obtain possession of property set apart as their dowry at the time of their marriage.

**Manuyin.** Property given and delivered at the time of marriage becomes the separate property of the donee and does not form part of the estate.

**Ditto.** [Substantially the same as the second extract from Myingun.]

The co-heirs shall lay no claim to property given as dowry to a daughter on her marriage. Such property is inherited by her children according to the rules of inheritance. The co-heirs are entitled only to the property other than the dowry.

[The same as in section 115.]

Vinichaya.

[Substantially the same as Mano.]

Ma nu-  
vappana.

[The same as in section 115.]

Pakāsanti.

The following kinds of property are not subject to partition, being the separate property of the owners thereof, namely: (1) dowry given on marriage, (2) gift made by parents and relatives; and (3) property acquired by personal skill.

Vicchedanti.

[The same as in section 119.]

Rājabala.

[The same as Pyu.]

Sōda.

The following kinds of property shall not be considered as part of the estate nor as subject to partition, namely: (1) property given to an infant at the ceremony of placing it in the cradle, (2) that given at the ceremony of shaving the head; (3) that given at the ceremony of ear-boring; (4) property given to children at the time of marriage; (5) that given at the time of entering the Order; (6) that given during illness; (7) property appropriated by children on their leaving the parental roof; (8) that acquired by personal skill; (9) that given by strangers; (10) that given by grandparents; and (11) that given by the king.

[The same as in section 119.]

Pāpāṇa.

[The same as in section 119.]

Kuṅṅya  
linga.

[The same as the first extract in section 119.]

Dāyājja.

[The same as the second extract in section 119.]

Ditto.

[The same as in section 119.]

Dhamma-  
sāra.

Ditto.

If, after the death of the parents, the co-heirs prefer a claim to the dowry given to any one co-heir, which was in the hands of the donors before their death, the donee shall get such portion of it which is given by a deed or written instrument, but shall not obtain an ostensible gift of which no written instrument exists.

[The same as the first extract in section 119.]

Amāsa.

[The same as the second extract in section 119.]

Ditto.

- Cittara.** [The same as the first extract in section 119.]
- Ditto.** [The same as the third extract in section 119.]
- Shinthaba.** [The same as in section 119, except that the property mentioned here is that given at the time of marriage.]

## SECTION 123.

WHETHER A GIFT MADE DURING ILLNESS CONSTITUTES *THINTHI* OR NOT.

- Pyu.** The parents shall not revoke a gift made to their children during illness. On such occasions the relatives also should contribute towards the gift. On the death of the husband or of the wife the survivor inherits the property so given.
- Kungya.** The parents or grandparents cannot revoke a gift made to their children or grandchildren during illness, because it is a gift made with a view to their deliverance from danger and attainment of long life.
- Myingun.** The parents cannot revoke a gift made to their children during illness. If the relatives contribute towards the gift, they should be reciprocated when they have children themselves. Gifts made by a stranger living in the same house may be revoked, if the donor chooses to do so, when he is not on good terms with the donee.
- Dhammā.** [The same as in section 119.]
- Manu-vanṣaṇā.** The parents or grandparents cannot revoke a gift made to their children or grandchildren during illness, to ward off danger.
- Vicchedant.** The parents cannot revoke a gift made to their children during illness.
- Rājabala.** [The same as in section 119.]
- Sāṇḍa.** [The same as Pyu.]
- Manu.** [The same as in section 122, but with the following addition :—]  
The co-heirs shall have no claim to the property given to any of them during a ceremonial, when such property has passed into the hands of the donees. So says Rishi Manu.
- Pāṇḍa.** The parents shall not revoke a gift made to their children during illness.

[The same as in section 119.]	Pāṇasā.
[The same as in section 119.]	Kungyājīga.
[The same as the first extract in section 119.]	Dāyājīa.
[The same as the second extract in section 119.]	Ditto.
[The same as in section 119.]	Dhamma- sāra.
[The same as the first extract in section 119.]	Amwebōn.
[The same as the second extract in section 119.]	Ditto.
[The same as the third extract in section 119.]	Cittara.
[The same as in section 119, except that the property in Shinthaba, question here is that given by parents to children during illness]	

SECTION 124.

A GIFT MADE AT THE TIME OF ENTERING THE ORDER EITHER  
AS A NOVICE OR AS A MONK CONSTITUTES *THINTHI*.

The parents are at liberty to utilize animate and inanimate property given to their son at the time of the latter's entering the Order either as a novice or as a monk. But after the death of the parents, the co-heirs of the donee shall not obtain any portion left unexpended by the parents.

The parents make a gift of animate and inanimate property either verbally or by a written instrument, to their children who enter the Order either as novices or as monks, but there is no delivery of possession, the parents retaining the property. It cannot be contended that there has been no delivery of possession: the donees are entitled to the whole of the property which constitutes the gift. The parents, however, are at liberty to utilize it. On the death of the parents any portion of the gift left in their hands shall be obtained by the donees; and the co-heirs shall have no claim to it on the ground, that it was always in the hands of the parents. Because the donees, by entering the Order, lead their parents to Nirvāna. So says Rishi Manu.

A gift made by parents to children on the latter entering the Order either as novices or as monks shall become the *thinthi* or separate property of the donees, although there may have been no delivery of possession. The donees shall not, however, claim restitution on the death of the parents, if the property has been expended by them.

Rajabala.

The following kinds of property shall constitute the *thinthi* or separate property of the donee or the owner, and shall not be subject to division, namely: (1) gift made by parents to children on the latter entering the Order either as novices or as monks; (2) that made by strangers through affection; and (3) property acquired by personal skill.

Manu.

[The same as in section 122.]

Ditto.

The co-heirs shall have no claim to property given by parents either verbally or by a written instrument to any one of their sons at the time of his entering the Order either as a novice or as a monk, although there may have been no delivery of possession.

Pāṇḍ.

[The same as in section 119.]

Kungya-  
linga

[The same as in section 119.]

Dāyājja.

[The same as the first extract in section 119.]

Ditto.

A gift made at the time of entering the Order is valid, although there has been no delivery of possession, and the donors shall not revoke it nor shall the property which constitutes the gift revert to the estate. Because the gift is made with a view of acquiring merit and reaping its reward in future existences.

Amwebôn

[The same as Manugyè.]

Ditto.\*

Of the twelve kinds of *thinthi* or separate property, the following four are not subject to any adverse claim, namely: (1) gift made at the time of entering the Order, either as a novice or as a monk, (2) gift made by grandparents; (3) that made by the king, and (4) property acquired by personal skill

Cittara.

Gifts made by parents to children on the latter entering the Order are valid even if there has been no delivery of possession, provided there is documentary evidence of them. They shall not be subject to partition, and the donees are entitled to them even after leaving the Order.

A gift verbally made to a son at the time of his entering the Order either as a novice or as a monk is valid, though unaccompanied by delivery of possession. On the death of the parents (the donors), his co-heirs shall not contend that the property which constitutes the gift has not passed from the parents' hands. The donee shall have the property when he leaves the Order.

Ditto.

Rishi Manu says that of the twelve kinds of property acquired by gift or otherwise, the following five shall be deemed the separate

property of the donee or the owner, and shall not be subject to partition, namely: (1) gift made by strangers; (2) that made by grandparents, (3) that made by the king; (4) that made at the time of entering the Order; and (5) property acquired by personal skill.

[The same as in section 119, except that the property in Shinthaba. question here is that given at the time of entering the Order either as a novice or as a monk.]

# SECTION 125.

ORNAMENTS WORN BY CHILDREN IN SUCCESSION BECOME THE  
THINTHI OF THE YOUNGEST.

Ornaments worn in succession by children become the property of the youngest child on the death of the parents. The elder brothers shall have no claim to them on the ground that they had first worn them. Because they are intended for the young.

Children are permitted to wear clothes and ornaments, such as Kungya. bracelets, anklets, necklaces, hair-pins, &c., during their childhood. If the same are given to and taken away by them at the time of their marriage, they shall retain them. But if they are worn by the children in succession, the youngest child who is in possession of them on the parents' death shall have them. The elder children shall have no claim to such ornaments on the ground that they also had worn them during their childhood.

Ornaments worn in succession by children shall become the property of the youngest, *i.e.*, the last wearer, on the death of the parents

[Substantially the same as Myingun.]

Dhamma-  
thatkyaw.

[Substantially the same as Myingun.]

Dhamma.

[Substantially the same as Myingun.]

Manugyè.

[Substantially the same as Myingun.]

Manuyin.

The Mānussika Dhammathat says that ornaments worn in suc- Rāsi. cession by children become the property of the youngest child when he or she is in possession of such ornaments on the death of the parents; therefore the Dhammathatlinga says “ထည့်မှ ဝဋ်ထောင်၊ နားထောင်၊ လက်ထောင် . ထိုသူ့ဥစ္စာဖြစ်လေရာ၏.” [the quotation is the same as Myingun]. In the Vessantara Jātaka, King Siṅcaya gave his son, Prince Vessantara, when about the age of four or five years, a jewel necklace valued at one hundred thousand ticals (of silver). The prince, finding no one who would ask of him the ornament, gave it to his nurse, who fearing to accept the gift reported the circum-

stance to his father. The king said that the gift of his son made through affection was a valid and noble gift and told the nurse to accept it. Thus, even at that tender age, did Prince Vessantra give away the ornaments each of the value of one hundred thousand ticals (of silver) which his father gave him on nine different occasions. Therefore the provisions of the Dhammathats that ornaments which children are permitted to wear during their childhood shall be obtained by the child who is actually wearing them at the time of the parents' death is in accordance with the religious conception of the nature of such property.

**Manu-vaṇṇanā.** The parents give their unmarried children ornaments for wear. On their marriage, however, the ornaments are taken back and given to others who are still unmarried. In this way the ornaments are worn by the unmarried children in succession. Those who are actually wearing the ornaments at the time of the parents' death shall retain possession of them.

**Vicchedanī.** Ornaments are worn by children in succession. The child who last wears them and is in possession (at the time of the parents' death) shall get them; the other children have no right to them.

**Sōṇḍa.** [The same as Pyu]

**Manu.** [The same as in section 119.]

**Pāṇḍa.** Ornaments shall be obtained by the child who last wears them, although they may have been worn by the elder children in succession.

**Ditto.** [The same as in section 119.]

**Kuṅḍya-linga.** [The same as in section 119.]

**Dāyāḷḷa.** [The same as the first extract in section 119.]

**Ditto.** [The same as the second extract in section 119.]

**Amwebōn.** [The same as Manugyè.]

**Cittara.** Clothes and ornaments worn by children in succession are obtained by the child who last wears them and is in possession of them at the time of the parents' death. The elder children shall not prefer any claim to them.

**Ditto.** [Substantially the same as the above.]

**Shinḥaba.** [The same as in section 119, except that the property mentioned are ornaments worn in succession by children.]

SECTION 126.

WHETHER PROPERTY TAKEN AWAY BY CHILDREN LIVING SEPARATELY CONSTITUTES *THINTHI* OR NOT.

[The same as in section 122.]	Manu.
[The same as in section 119.]	Pānash.
[The same as in section 119.]	Kungya- linga.
[The same as the first extract in section 119.]	Dāyajja.
[The same as the second extract in section 119.]	Ditto.
[The same as the third extract in section 119.]	Cittara.
[The same as in section 119, except that the property mentioned here is that appropriated by children on their leaving the parental roof.]	Shinhaba.

SECTION 127.

PROPERTY ACQUIRED BY PERSONAL SKILL BECOMES *THINTHI*.

The following kinds of property become the separate property of the person who acquires them, and are enjoyed by him or her, namely,—(1) property acquired by personal skill; (2) that received from friends or from relatives; and (3) that obtained by begging.

Property acquired by personal skill as well as that obtained by begging become the property of the person who acquires them.

If a co-heir acquires property by personal skill, it becomes the *thinthi* or separate property of such co-heir.

[The same as in section 122.]	Pyu.
[Substantially the same as Mānussika.]	Vilāsa.
[The same as the first extract from Mano.]	Kaingza.
[The same as the second extract in section 122.]	Myingun.

A co-heir has property acquired by personal skill as well as property given him or her by the parents during their lifetime; such property is not subject to partition, being the separate property of such co-heir.

A gift made by grandparents whether accompanied by delivery of possession or not becomes the separate property of the donee.

Property acquired by a co-heir by personal skill shall not be subject to partition among the co-heirs. It shall be obtained by the co-heir who acquired it. Property given by strangers through affection shall be obtained by the donee and shall not be divisible among the donee's parents and co-heirs. A gift made by the king shall not be divisible also. The four kinds of property enumerated above are the *thinthi* or separate property of the donee or the person who acquired it, and he or she is entitled to exclusive possession and ownership of it.

Manugyè. [Substantially the same as Dhamma.]

Kandaw. [Substantially the same as Mano.]

Tejo. [The same as Mano.]

Vanna-dhamma. Property acquired by personal skill and that received from friends or from relatives on appeal to them become the separate property of the person who acquired them and such person is entitled to exclusive enjoyment of them.

Vannaná. Property acquired by personal skill becomes the separate property of the brother who acquired it.

Manuyin. [The same as the second extract in section 122.]

✠Rásl. [Substantially the same as Vannaná.]

Ditto. Property acquired by personal skill, that received from friends or that obtained by begging shall be the separate property of the co-heir who thus acquired or obtained it. Therefore the Dhamma-thatlinga says “ထုတို့ထာသာထေသုဉ္ဇာ၍ . မဆိုသာဓေ၍ရပိုင်ထေ၍” [the quotation is the same as Myingun].

Vinichaya. [The same as in section 115.]

Manu-vannaná. [Substantially the same as Vannadhamma.]

Pakāsani. [The same as in section 115.]

Vicchedani. [The same as in section 122.]

Rājabala. [The same as the second extract in section 124.]

Sōnda. [The same as Pyu.]

Manu. [The same as in section 119.]

Pānani. [Substantially the same as Mano.]

Ditto. [The same as in section 119.]

Kungya-linga. [The same as in section 119.]

[Substantially the same as Mano.]	Kungya- linga.
[The same as the first extract in section 119.]	Dāyajja.
[The same as the second extract in section 119.]	Ditto.
[The same as in section 119.]	Dhamma- sāra.

Property in the hands of the parents but acquired by the personal skill of one of the co-heirs shall not be subject to partition among the parents and the co-heirs. Amwebôn.

[The same as the second extract in section 124.]	Ditto.
[Substantially the same as Mānussika.]	Cittara.
[Substantially the same as Mano.]	Ditto.
[The same as the second extract in section 124 ]	Ditto.
[The same as in section 119, except that the property mentioned here is that acquired by personal skill.]	Shinhaba.
[The same as Vilāsa.]	Kyetyo

Property acquired by personal skill, by gift from a stranger, or by a dying injunction shall become the separate property of the person who acquired it. Kyannet.

The person who acquires property by personal skill or by a gift made by a stranger through affection may dispose of it as he pleases. Should such person die childless his wife inherits it.

#### SECTION 128.

#### GIFT MADE BY A STRANGER THROUGH AFFECTION CONSTITUTES THINTHI.

[The same as the first extract in section 127 ]	Mano.
[The same as the second extract in section 127.]	Ditto.
[The same as in section 122.]	Pyu.
[The same as in section 127.]	Kaingza.
[The same as the second extract in section 122.]	Myingun.
[The same as in section 127.]	Dhamma.
[The same as in section 127.]	Manugyè.
[The same as in section 127.]	Kandaw.
[The same as in section 127.]	Tejo.

Vanna-dhamma.	[The same as in section 127.]
Manuyin.	[The same as the second extract in section 122.]
Rāsl.	[The same as the second extract in section 127.]
Vinicchaya.	[The same as in section 115.]
M a n u - vaṇṇanā.	[The same as in section 127.]
Pakāsant.	[The same as in section 115.]
Rājabala.	[The same as the second extract in section 124.]
Sōnda.	[The same as Pyu.]
Manu.	[The same as in section 119.]
Pāṇaṃ	[The same as in section 127.]
Ditto.	[The same as in section 119]
Kungya- linga.	[The same as in section 119.]
Ditto.	[The same as the second extract in section 127.]
Dāyajja.	[The same as the first extract in section 119.]
Ditto.	[The same as the second extract in section 119.]
Dhamma- jāra.	[The same as in section 119.]
Amvabōn.	A gift made by a stranger through affection shall not be subject to partition among the donee's parents and co-heirs.
Cittara	[The same as the second extract in section 127.]
Ditto.	[The same as the second extract in section 124.]
Shinthaba.	[The same as in section 119, except that the property mentioned here is that given by strangers through affection.]
Kyannet.	[The same as in section 127.]

## SECTION 129.

GIFT MADE BY ELDER RELATIVES CONSTITUTES *THINTHI*.

Vicchedan.	A gift made by relatives during illness cannot be revoked. The donee should reciprocate such gifts.
Ditto.	[The same as in section 122.]
Shinthaba.	[The same as in section 119, except that the property mentioned here is that given by elder relatives.]

SECTION 130.

GIFT MADE BY GRANDPARENTS CONSTITUTES *THINTHI*.

The parents cannot, as in the case of a gift made by them, revoke a gift made to children by grandparents Dhamma-  
thatkyaw.

[The same as in section 127.]

Dhamma.

[The same as in section 127.]

Manugyā.

The donees are at liberty to convey to strangers the property given them by their grandparents Their parents shall have no right to such property. Rāsi.

[The same as in section 119.]

Manu.

No adverse claim can be preferred against a gift made by grandparents on the ground that it was unaccompanied by delivery of possession. Ditto.

[The same as in section 119.]

Pāpam.

[The same as in section 119.]

Kungya-  
linga.

[The same as the first extract in section 119.]

Dāyajja.

The following kinds of property shall not be subject to partition, namely —(1) a gift made by the king ; (2) that made by strangers ; (3) that made by grandparents ; and (4) property acquired by personal skill. Ditto.

[The same as the second extract in section 119.]

Ditto.

[The same as in section 119.]

Dhamma-  
sāra.

A gift made by grandparents is valid whether accompanied by delivery of possession or not. The donee shall get the gift in its entirety. Amwebōn.

[The same as the second extract in section 124.]

Ditto.

[The same as the second extract in section 124.]

Cittara.

[The same as in section 119, except that the property mentioned here is that given by grandparents.] Shinthaḥa.

SECTION 131.

GIFT MADE BY THE KING CONSTITUTES *THINTHI*.

[The same as in section 127.]

Dhamma.

[The same as in section 127.]

Manugyā.

- Manu.** [The same as in section 119.]
- Ditto.** A gift made by the king<sup>a</sup> is valid whether accompanied by delivery of possession or not. The property which constitutes the gift shall not be subject to partition among the co-heirs.
- Pāpañ.** [The same as in section 119.]
- Kungya-  
linga.** [The same as in section 119.]
- Dāyajja.** [The same as the first extract in section 119.]
- Ditto.** [The same as the second extract in section 130.]
- Ditto.** [The same as the second extract in section 119.]
- Dhamma-  
sāra,** [The same as in section 119.]
- Amwebôn.** A gift made by the king is not subject to partition among the donee's parents and co-heirs.
- Ditto.** [The same as the second extract in section 124.]
- Cittira.** [The same as the second extract in section 124.]
- Shinhaba.** [The same as in section 119, except that the property mentioned here is that given by the king.]

## SECTION 132.

PROPERTY ACQUIRED BY GAMBLING CONSTITUTES *THINTHI*.

- Shinhaba.** [The same as in section 119, except that the property mentioned here is that acquired by gambling.]

## SECTION 133.

COMPENSATION OBTAINED FOR INSULT OR FOR SLANDER CONSTITUTES *THINTHI*.

- Shinhaba.** [The same as in section 119, except that the property mentioned here is that obtained as compensation for insult or for slander.]

## SECTION 134.

COMPENSATION OBTAINED FOR ASSAULT CONSTITUTES *THINTHI*.

- Shinhaba.** [The same as in section 119, except that the property mentioned here is that obtained as compensation for assault.]

SECTION 135.

COMPENSATION OBTAINED FOR ADULTERY CONSTITUTES  
*THINTHI*.

[The same as in section 119, except that the property *Shinthaba* mentioned here is that obtained as compensation for adultery.]

SECTION 136.

PROPERTY FOUND OWNERLESS CONSTITUTES *THINTHA*.

[The same as in section 119, except that the property *Shinthaba* mentioned here is that found ownerless.]

SECTION 137.

PARTITION BETWEEN TWO BROTHERS ON THE DEATH OF THE  
PARENTS.

The property shall be divided into two shares, and the elder *Mano* brother who assumes the responsibilities of the parents and supports them shall take one share. He shall also get out of the other share any property of particular value. The remainder shall be divided into nine shares, and he is again entitled to take one share. The remainder shall again be divided into nine shares, and the younger brother shall take one share. The remainder shall again be divided into nine shares and the elder brother shall take one share. The younger brother shall then have the residue.

The above rule applies when there are only two brothers; but when there are more than two, discretion should be exercised in apportioning the shares.

When there are sons alone the usual rules of partition apply.

The property shall be divided into two shares, and the elder brother who assumes the responsibilities of the parents shall take one share. He shall also get out of the other share any property of special interest, such as the father's clothes, ornaments, sword, &c. The remainder shall be divided into nine shares, and he shall again take one share. The remainder shall again be divided into nine shares, and the younger brother shall take one share. The remainder shall again be divided into nine shares and the elder brother shall take one share. The younger brother shall then have the residue.

[Substantially the same as *Mano*.]

[The same as *Mano* except the second paragraph.]

Kandaw.

Taje.

Vaṇṇa-  
dhamma.  
Rāsi.

[The same as Kaingza.]

When a younger brother living with the elder brother requests partition of the undivided estate on the ground that he wishes to have a separate establishment or to perform some charitable work, his request shall be granted. If the elder brother assumes the responsibilities of the parents, the property shall be divided into two shares, and the elder brother shall take one share. He shall also get out of the other share any article held by him in high esteem. The remainder shall then be divided into nine shares, and the elder brother shall again take one share. The remainder shall again be divided into nine shares and the younger brother shall take one share. The remainder shall, for the last time, be divided into nine shares and the elder brother shall take one share. The younger brother shall then have the residue.

Vinicchaya. On the death of both parents, the rule of partition among children of the same parents is as follows :—

If there are only two brothers, the elder brother shall first take out of the estate any article held in high esteem by him. The remainder shall then be divided into two shares, and the elder brother shall take one share. The other share shall be divided into nine shares and the elder brother shall again take one share. The remainder shall again be divided into nine shares, and the younger brother shall take one share. The remainder shall again be divided into nine shares, and the elder brother shall take one share. The younger brother shall then take the residue.

Ditto.

[The first part of this extract is the same as the first paragraph of Mano. The provision contained in the second paragraph is differently stated as follows] :—

The above rule applies when there are only two sons, but it also applies when there are many sons and daughters.

*Another rule.*—The property shall be divided into two shares and the eldest son who is elected as the *orasa* shall take one share. He shall also take out of the remaining share any article held in high esteem by him. The remainder shall then be divided into nine shares and he shall again take one share. The process last described shall be repeated until the eldest son has taken his share three times. The younger brother shall then have the residue.

When there are several children partition should be made similarly.

Maṅga-  
vaṇṇaṇḍa.

[Substantially the same as Rāsi, but with the additional provision that the rule applies to partition between two brothers.]

[Substantially the same as the first extract from Vinic-Pakāsañ-  
chaya.]

[Substantially the same as the first extract from Vinic-Rājabala-  
chaya.]

[Substantially the same as Mano except the second para- Pānañ-  
graph.]

[Substantially the same as the first extract from Vinic- Dhamma-  
chaya ] sāra.

[The same as Kandaw.]

Cittara

The rule of partition between two brothers on the death of the Ditto.  
parents is as follows:—

The elder brother shall take out of the estate any property which  
he wishes to have. The remainder shall then be divided into nine  
shares and the elder brother shall take one share. The remainder  
shall again be divided into nine shares, and the younger brother  
shall take one share. The remainder shall again be divided into  
nine shares and the elder brother shall take one share. The residue  
shall then be shared equally between the two brothers.

The sons are given in marriage, and the elder has no issue, but Kyannet,  
the younger has. The parental estate shall then be divided equal-  
ly between them. Because the offspring of the younger brother is  
deemed the offspring also of the elder.

If the younger brother has issue and the elder has not, then the Ditto.  
latter shall not get his *orasa* share. If there are a goat and a bul-  
lock, the younger brother shall have one of them. If a younger  
sister has children, the shares should be apportioned with discre-  
tion.

## SECTION 138.

### PARTITION BETWEEN TWO SISTERS ON THE DEATH OF THE PARENTS.

If there are daughters only, their shares should be apportioned Mānussika.  
according to their respective ages.

If there are only two sisters, the elder shall get two shares and Dhamma-  
the younger one share. thakkyaw.

When there are only two sisters, the elder shall first take out of Vinicchaya.  
the estate any article she likes. The remainder shall then be  
divided into six shares and the elder sister shall take two shares.

She is again entitled to take one-sixth of the remainder. The younger sister shall then take one-sixth of what is left. The residue shall then be shared equally between them.

The above rule is in accordance with that contained in the *Mānusa-sika*, *Manusāra*, *Dhammavilāsa*, and *Atitya Dhammathats*.

**Pakāsani.** When there are only two sisters, the elder shall first take out of the estate any article she likes. The remainder shall then be divided into six shares, and the elder sister shall take one share. She is again entitled to take one-sixth of the remainder. The younger sister shall then take one-sixth of what is left. The residue shall then be shared equally between them.

**Rājabala.** [Substantially the same as *Vinicchaya* ]

**Dhamma-sāra.** [Substantially the same as *Pakāsani*.]

**Kyannet.** When there are daughters only, discretion should be exercised in the partition of the estate.

### SECTION 139.

#### PARTITION BETWEEN ELDER BROTHER AND YOUNGER SISTER ON THE DEATH OF THE PARENTS.

**Vilāsa, first and second extracts.** When there are only an elder brother and a younger sister, the property shall be divided into six shares : the former shall get two shares and the latter one share. The remaining three shares shall be divided equally between them.

**Dhamma-thatkyaw.** When the heirs consist of a son and a daughter, the son being the elder of the two, he shall get two shares and his sister one share.

**Dhamma.** The rule of partition between brother and sister on the death of the parents is as follows :—

If the brother is the elder of the two, he shall get the father's clothes, ornaments, and personal belongings, and the sister the mother's clothes, ornaments, and personal belongings. The remaining property shall be divided into three shares : the brother shall get two shares and the sister one share. Debts, if any, shall be liquidated in the same proportion.

**Manugyē.** [The same as *Dhamma* except that it states that the brother and sister live together with the parents.]

**Rāsi, first and second extracts.** [The same as *Vilāsa*.]

The rule of partition between an elder brother and a younger Vinicchaya. sister on the death of the parents is as follows:—

The property shall be divided into three shares and the brother shall get two shares and the sister one share.

The rule of partition between brother and sister is as follows:— Manu-

If the brother is the elder of the two, he shall get the father's personal belongings, and the sister the mother's. The remaining property shall be divided into three shares and a half. the brother shall take two shares and the sister one share and a half. vāṇṇā.

The rule of partition between an elder brother and a younger Pakāsaṇi. sister is as follows:—the brother shall get two shares and the sister one share.

[The same as Dhamma except that there is no provision Rājabala. here about liquidation of debts.]

If there are only a brother and a sister, the former shall get the father's personal belongings, and the latter the mother's. The remaining property shall be divided according to the rules laid down in the Dhammathats. Manu.

On the death of the parents, leaving a son and a daughter, the son being the elder of the two, the rule of partition is as follows:— Dāyajja.

The brother shall get the father's clothes and ornaments, and the sister the mother's. The remaining property shall then be divided into two equal portions, one of which shall be divided between the brother and sister in the proportion of two to one respectively. The other portion shall then be divided equally between them.

In the statement that the brother shall get two shares and the sister one share, it does not mean that the brother shall get twice as much as the sister but that he shall get twice as much as the share to which he is otherwise entitled; because man is woman's superior. Ditto.

On the death of the parents, leaving a son and a daughter, the son being the elder of the two, the property shall be divided into six shares and the brother shall take two shares and the sister one share. The remaining three shares shall be divided equally between them. But if there are other children the remaining three shares shall be divided equally among all the co-heirs. Ditto.

The son always takes precedence of the daughter and is always regarded as her superior irrespective of the rank and position of either parent. The mother may be a princess and the father a

commoner, or the father may be a prince and the mother one belonging to an altogether different race and class, and yet in case of partition between their son and daughter the former shall get twice as much as the latter.

**Amwebōn.** [Substantially the same as Manugyè.]

**Cittara, first and second extracts.** If there are only a brother and a sister, the former shall get two shares and the latter one share. Any other property left undivided shall be shared equally between them.

**Ditto.** If there are a brother and a sister living together, the former shall get the father's office and the latter the mother's clothes and ornaments. Of the remaining property, the brother gets two-thirds and the sister one-third.

**Kyetyo, first and second extracts.** [Substantially the same as Vilāsa ]

#### SECTION 140.

#### PARTITION BETWEEN ELDER SISTER AND YOUNGER BROTHER ON THE DEATH OF THE PARENTS.

**Mānussika.** If the children consist of a son and a daughter the latter being the elder, the estate shall be divided equally between them. The elder sister is not entitled to a larger share.

**Myñṅun.** [Substantially the same as the above.]

**Dhamma-thatkyaw.** If the sister is older than the brother, the estate shall be divided equally between them.

**Dhamma.** If the sister is older than the brother, let the clothes and ornaments of the father and mother be taken by the brother and sister respectively. The remaining property shall then be divided equally between them.

**Manugyè.** The rule of partition between the elder sister and the younger brother living with the parents is as follows :—

Let the brother take the father's clothes and ornaments and all such other properties as are exclusively used by men, and the daughter the mother's clothes and ornaments and other properties pertaining solely to women. The remaining property shall be divided equally between them ; the reason is because man is woman's superior.

The same rule applies whether partition of the estate is made either before or after they have left the parental roof.

[Substantially the same as Mānussika.]	Manuyin.
[Substantially the same as Mānussika.]	Vinichaya.
[Substantially the same as Mānussika.]	Pakāsani.
[Substantially the same as Mānussika.]	Vicchadani.
[Substantially the same as Dhamma, but with the additional provision about liquidation of debts, if any, in the same proportion as the shares.]	Ajabani.

In the case of the elder sister and younger brother let the clothes and ornaments of the father and mother be taken by the brother and sister respectively (*vide* section 139). The remaining property shall be divided according to the rules laid down in the Dhammathats. Manu.

On the death of the parents let the younger brother and elder sister, both living with the parents, take respectively the clothes and ornaments of the father and mother. The estate shall then be divided equally between them. Dayajia.

[Substantially the same as Mānussika.]	Ditto.
[Substantially the same as Mānussika.]	Ditto.
[Substantially the same as Mānussika.]	Ditto.
[The same as Manuyè.]	Amwèbèh.

If the sister is older than the brother, let the latter have the father's office and the former the mother's clothes and ornaments. The remaining animate and inanimate property shall be divided equally between them. Debts, if any, shall be liquidated in the same proportion. Cittā.

If the eldest born is a daughter and the second child a son, let them share the estate equally between them. Kyetyo.

[Substantially the same as Kyetyo.]	Kyannet.
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If, after the establishment of a daughter as an *orasa*, a son is born they shall share the estate equally between them. Ditto.

If the elder daughter and the younger son are both childless, the estate shall not be divided equally between them, because the son is deemed the *orasa*. Ditto.

## SECTION 141.

## PARTITION AMONG THREE BROTHERS ON THE DEATH OF THE PARENTS.

**Mano.** On the death of the parents, the eldest son shall receive two shares, the second son one share and a half, and the youngest son one share. The eldest son shall also receive a bull and a sheep.

The same rule applies, *mutatis mutandis*, to cases of partition among three sisters.

The above rule refers to unmarried children.

**Pyu.** If there is an equal number of sons and daughters, the eldest son shall receive two shares, the second son one share and a half, and the youngest son one share. The eldest daughter shall receive as much as the eldest son, the second daughter as the second son, and the youngest daughter as the youngest son.

**Vilāsa.** Another rule of partition of the parental estate is as follows —

The eldest son shall receive two shares, the second son one share and a half, and the younger sons one share each. The same rule applies, *mutatis mutandis*, in the case of daughters.

**Kaingsa.** [The same as Mano]

**Myingun.** On the death of the parents, the eldest son shall receive two shares, the second son one share and a half, and the younger sons one share each.

**Kandaw.** [Substantially the same as Mano.]

**Ditto.** The eldest son shall receive two shares, the second son one share and a half, and the youngest son one share.

**သမ္ဘာသမ္မာ.** [The same as Mano.]

**Manuyn.** When there are three sons or daughters, the eldest son or daughter shall receive two shares, the second son or daughter one share and a half, and the youngest son or daughter one share. The eldest shall receive a larger share of the cows and buffaloes. The above rule refers to unmarried children.

**Paat.** [Substantially the same as the second extract from Kandaw.]

**Vinichaya.** [Substantially the same as Mano except that it does not contain, as in Mano, the statement about the rule having reference to unmarried children.]

On the death of the parents, the eldest son shall receive two shares, the second son one share and a half, and the youngest son one share. The same rule applies, *mutatis mutandis*, when there are three daughters. The eldest son or daughter shall also receive a larger number of cows, buffaloes, goats, and sheep than the other co-heirs. The rule refers to unmarried children. Vinichaya

*Another rule.*—The *orasa* son shall first take anything he chooses out of the gold and silver, and bullocks, buffaloes, goats, and sheep which constitute the estate. The remainder shall then be divided into twenty shares and the *orasa* son shall take two shares. The remainder shall again be divided into twenty shares and the second son shall take one share. The last process shall be repeated as many times as there are younger sons, until all have received a share each. The residue shall then be divided equally among all the co-heirs.

The *orasa* son shall receive two shares, the second son one share and a half, and the youngest son one share. The same rule of partition applies, *mutatis mutandis*, when there are three daughters. The eldest son or daughter shall, however, be entitled to take first of all any article he or she may choose to have out of the estate. Ditto.

[Substantially the same as Mano.]

Manu-  
vappanā.

[Substantially the same as the second extract from Kandaw.] Ditto.

[Substantially the same as the second extract from Pakāsanī. Kandaw.]

On the death of the parents the rule of partition among sons or among daughters who live together is as follows :— Vicchedani.

The eldest son or daughter shall receive two shares, the second son or daughter one share and a half, and the youngest son or daughter one share. As regards cattle, the eldest son or daughter shall receive a larger number than the other co-heirs. The above rule has reference only to unmarried children living with the parents and not to those who have married and left the parental home.

[The same as Pyu.]

Sōnda.

On the death of the parents, the rule of partition among unmarried sons is as follows :— Pāṇak.

The eldest son shall receive two shares, the second son one share and a half, and the youngest son one share. The same rule applies,

*mutatis mutandis*, to unmarried daughters. But the eldest son or daughter shall receive in addition a cow and a sheep.

Dhamma-  
śāra.

On the death of the parents, the rule of partition among three sons is as follows :—

The eldest son shall take any article he chooses out of the estate. The remainder shall then be divided into four shares the eldest son shall take two shares, and the second and third sons one share each.

Cittara.

On the death of the parents, the eldest son shall receive two shares, the second son one share and a half, and the youngest son one share. The same rule applies, *mutatis mutandis*, to cases of partition among three daughters.

Ditto.

[The same as the second extract from Kandaw.]

Kyetyo.

On the death of the parents, the rule of partition among children is as follows :—

The *orasa* son shall first take out of the gold and silver, slaves, buffaloes, cows, sheep, goats, &c., any article which he values most. The remainder shall then be divided into twelve shares and he shall take one share. The remainder shall next be divided into twenty shares, the second son shall take one share. The remainder shall again be divided into twenty shares and the third son shall take one share. The residue shall then be divided equally among all the sons.

Kyannet.

The rule of partition among children of the same parents is as follows :—

The eldest son shall receive two shares, the second son one share and a half, and the younger sons one share each. The same rule applies, *mutatis mutandis*, to cases of partition among daughters. The eldest son or daughter shall, however, receive all the cows, sheep, and milch-goats.

The above rule refers to unmarried children.

Ditto.

The rule of partition on the death of the parents is as follows :— The estate shall be divided into ten shares and the eldest son shall take one share. The remainder shall again be divided into ten shares and he shall again take one share. Out of the remainder, the second son shall receive one-half, and the third and youngest son one-fourth of the eldest son's share. The above rule applies to partition among three sons. If there are more than three sons, each of those coming between the second and the youngest son shall receive as much as the second son.

SECTION 142

PARTITION AMONG THREE SISTERS ON THE DEATH OF THE PARENTS.

[The same as in section 141.]	Mano.
[The same as in section 141.]	Pyu.
[The same as in section 141.]	Vilāsa.
[The same as in section 141.]	Kainga.

The rule of partition among three brothers (section 141) shall, *mutatis mutandis*, apply to cases where there are three sisters. The eldest (son or daughter) shall, however, receive a larger number of buffaloes, cows, goats, pigs, fowls &c. The rule refers to unmarried children living together.

[The same as the first extract from Kandaw in section 141.]	Kandaw.
[The same as in section 141.]	Vappa-
[The same as in section 141.]	dhamma.
[The same as the first extract in section 141.]	Manuyin.
[The same as the second extract in section 141.]	Vinicchaya.
[The same as the third extract in section 141.]	Ditto.
[The same as in section 141.]	Ditto.
[The same as in section 141.]	Manu-
[The same as in section 141.]	vappa.
[The same as in section 141.]	Viccheda.
[The same as in section 141.]	Sōda.
[The same as in section 141.]	Pāna.
[The same as the first extract in section 141.]	Cittara.
[The same as the first extract in section 141.]	Kyannet.

SECTION 143.

PARTITION BETWEEN ELDER BROTHER AND TWO YOUNGER SISTERS ON THE DEATH OF THE PARENTS.

When there are an elder brother and a younger sister, the property shall be divided into six shares, and the former shall receive two shares and the latter one share (section 139, *ante*); if there is still an unmarried sister a suitable portion should be given out of the remaining three shares. The residue shall then be divided equally among all the co-heirs.

Vilāsa, first  
and second  
extracts.

**Kungya.** If there are an elder brother and two younger sisters, the rule of partition among them on the death of the parents is as follows :—

The estate shall be divided into ten shares, and the brother shall take two shares. The remainder shall again be divided into ten shares and the elder of the two sisters shall take one share. The remainder shall next be divided into ten shares and the youngest sister shall take half a share. The residue shall then be divided equally among them.

**Dhamma.** An elder brother and two younger sisters live with the parents; the rule of partition among them on the death of the parents is as follows :—

Let the elder brother and the elder of the two sisters take the clothes and ornaments of the father and mother respectively. The remaining property shall then be so divided that the elder sister shall receive half as much again as the younger sister, and the brother half as much again as the elder sister.

**Manugyè.** [Substantially the same as Dhamma.]

**Vaṇṇaṇā.** When there are a brother and a sister, the property shall be divided into six shares, and the former shall take two shares and the latter one share. If there is still an unmarried sister, a suitable portion should be given her out of the remaining three shares. The residue shall then be divided equally among all the co-heirs.

**Rāśī, first and second extracts.** [The same as in the two extracts from Vilāsa above.]

**Rājabala.** When there are a brother and two sisters, the elder sister shall receive half as much again as the younger sister, and the brother, who is the eldest of the three, half as much again as the elder sister.

**Manu.** When there are one son and two daughters, the elder daughter shall assume the position of the mother. The son shall receive two shares, the elder daughter one share and a half, and the younger daughter one share.

**Aṃwebōn.** [The same as Manugyè.]

**Cittara, first and second extracts.** When there are a brother and a sister, the former shall receive two shares and the latter one share (section 139). But if there is another sister yet unmarried she shall receive half a share. If there is any residue, it shall be shared equally among all the co-heirs.

**Ditto.** The rule of partition among a brother and two sisters is as follows :—

The younger sister shall receive one share, the elder sister one share and a half, and the brother one share more than the elder sister.

He shall also succeed to the father's office while the elder sister shall receive the mother's clothes and ornaments.

[The same as the two extracts from Râsî above.]

Kyetyo, first  
and second  
extracts.  
Kyannet.

The rule of partition among children on the death of the parents is as follows.—

The brother who is the eldest shall receive two shares, the sister next him one share and a half, and the younger brothers and sisters one share each. The above rule applies to unmarried children, and when the eldest is a son and the second is a daughter.

The parental estate shall be divided into six shares, and the brother who is the eldest shall receive two shares and the sister next him shall be given a suitable share. The remainder shall then be divided equally among all the co-heirs. The rule applies when the eldest is a son.

Ditto.

#### SECTION 144

##### PARTITION BETWEEN TWO ELDER SISTERS AND A YOUNGER BROTHER ON THE DEATH OF THE PARENTS.

When there are two sisters and a younger brother, let the elder sister and the brother take the clothes and ornaments of the mother and father respectively. Their shares of inheritance in the remaining property shall also be equal, and the share of either shall be half as much again as the share of the younger sister. Debts, if any, shall be liquidated in the same proportion.

[The same as Dhamma, but with the additional provision that the rule is also applicable when the co-heirs live apart from the parents.]

Manugyè.

[Substantially the same as Dhamma.]

Râjabala.

After the birth of two daughters a son is born; he shall be established in the father's position. The elder sister and the brother shall each receive one share and a half, and the younger sister one share.

Manu.

Two daughters and a son having been born in succession the parents die. The elder of the two sisters and the brother shall receive equal shares and the younger sister a share and a half.

Dâyagya.

[The same as Manugyè.]

Amwehân.

If the brother is younger than the sister, the former shall obtain the father's office, and the latter the mother's clothes and ornaments. Of the remainder they shall receive equal shares.

Cittara.

## SECTION 145.

## PARTITION AMONG THREE BROTHERS ON THE DEATH OF THE PARENTS; ALSO WHEN THERE IS AN ELDER SISTER.

**Mamo.** Some jurists lay down the rule of partition as follows:—

The eldest brother shall receive two shares, the next younger brother one share and a half, and the youngest brother one share. If there is an elder sister, she shall receive (in addition to her ordinary share) a portion equal to a fourth part of the second sister's (brother's) share. The eldest brother shall receive the whole of the goats and sheep. The younger children shall divide equally among them, the elephants, ponies, cows, buffaloes, peacocks, jowar and millets, as well as all other animate property.

**Kaingza,** Some jurists lay down the rule of partition as follows:—

first and  
second ex-  
tracts.

The eldest brother shall receive two shares, the next younger brother one share and a half, and the youngest brother one share. If there is an elder sister, she shall receive (in addition to her ordinary share) a portion equal to a fourth part of the second sister's (brother's) share. The eldest brother shall receive the whole of the goats and sheep, and he shall divide equally the elephants, ponies, bullocks, buffaloes, peacocks, jowar, millets, &c., as well as any other animate property with the younger brothers and sisters.

The above rule applies to partition among children of the same parents.

**Tejo.** [The same as the two extracts from Kaingza.]

**Vappa-** Some jurists lay down the rule of partition as follows:—

**dhamma.**

The eldest brother shall receive two shares, the next younger brother one share and a half, and the youngest brother one share. If there is an elder sister, she shall receive (in addition to her ordinary share) a portion equal to a fourth part of the second brother's share. The eldest brother shall receive the whole of the goats and sheep, and he shall divide equally the elephants, ponies, bullocks, buffaloes, peacocks, jowar, millets, &c., as well as any other animate property that there may be with the younger brothers and sisters.

The above rule applies to partition among children of the same parents.

**Rat.** [Substantially the same as the two extracts from Kaingza.]

**Papad.** The eldest brother shall receive two shares, the next younger brother one share and a half, and the youngest brother one share. The elder sister shall receive (in addition to her ordinary share) a portion equal to one-fourth of the second sister's (brother's) share.

The eldest brother shall also receive all the sheep and goats. The rest of the property shall be shared equally among the younger brothers of the same parents.

#### SECTION 146.

##### PARTITION AMONG FOUR SONS ON THE DEATH OF THE PARENTS.

The eldest brother shall receive two shares, the second brother one Vannanā share and a half, the third one share, and the fourth or youngest half a share.

The rule of partition among four sons is as follows :—

Dhamma-  
sāra.

The eldest son shall first choose any article he likes out of the estate. The remainder shall then be divided into five shares: the eldest son shall receive two shares, the second one share and a half, the third one share, and the fourth or youngest half a share.

The rule of partition on the death of the parents is as follows :— Kyannet.

The estate shall be divided into ten shares, and the eldest brother shall take one share. The remainder shall be divided into ten shares, and he shall again take one share. The brother next to him shall receive half as much, and the youngest brother a quarter as much. The above rule applies when there are three sons, but if there are more than three, those coming between the second and the youngest son shall receive as much as the second son out of the remaining property.

#### SECTION 147.

##### PARTITION AMONG FOUR DAUGHTERS ON THE DEATH OF THE PARENTS.

The rule of partition among four sons (as laid down in Vannanā in Vannanā section 146) shall, *mutatis mutandis*, apply to cases of partition among four daughters.

#### SECTION 148.

##### PARTITION AMONG SIX DAUGHTERS ON THE DEATH OF THE PARENTS.

The rule of partition among six daughters on the death of the parents is as follows :— Dhamma.

The first and second daughters shall receive equal shares, the third and fourth equal shares, and the fifth and sixth also equal shares.

**Manugyè.** The rule of partition among six daughters is as follows :—

They shall be formed into pairs thus —the first and second one pair, the third and fourth one pair and the fifth and sixth one pair; and the three pairs shall be denominated as the eldest, the intermediate, and the youngest respectively. The elder of the eldest first pair shall receive two shares and a half, and the younger two shares. Of the intermediate pair, the elder shall receive two shares and a half, and the younger two shares. Of the youngest pair, the elder shall receive one share and a half, and the younger one share.

*Another rule* :—The first and second daughters shall receive equal shares, the third and fourth also equal shares, and the fifth and sixth also equal shares.

**Manu.** If there are six daughters they shall be formed into pairs. Of the first pair consisting of the first and second daughters, the former shall receive two shares and a half, and the latter two shares. Of the second pair consisting of the third and fourth daughters, the former shall receive one share and a half, and the latter one share. Of the third pair consisting of the fifth and sixth daughters, the former shall receive half a share, and the latter one-fourth share.

*Another rule* —They shall be formed into pairs, thus —the first and second one pair, the third and fourth the second pair, and the fifth and sixth the third pair. Those of the first pair shall receive two shares each, those of the second pair one share and a half each; and those of the third pair one share each.

**Amwebôn.** [The same as Manugyè.]

**Cittara.** If there are six daughters, the first and second shall form the first pair, the third and fourth the second pair, and the fifth and sixth the third pair. Of the first pair the elder shall receive two shares and a half, and the younger two shares. Of the second pair the elder shall receive two shares, and the younger one share. Of the third pair each shall receive half a share.

*Another rule* :—Those of the first pair shall receive equal shares, those of the second equally, and those of the third also equally.

#### SECTION 149.

##### PARTITION AMONG THREE SONS OR THREE DAUGHTERS ON THE DEATH OF THE PARENTS.

**Waru.** O great king ! On the death of the parents the *orasa* son shall take the father's personal belongings and the daughter the mother's,

Of the remaining property the *orasa* son shall receive two shares, the second son one share, and the younger daughter one-third share. But if the daughter is older than the second son, they shall receive equal shares. The next younger son and daughter shall receive equal shares; and so also the youngest son and daughter.

[The same as Kaingza in section 141.]

Tejo.

The rule of partition among unmarried children on the death of the parents is as follows —

The eldest son and daughter shall first take a goat and a cow each. They shall receive equal shares, namely, two (each); the second brother and sister also equal shares, namely, one share and a half each; and the youngest brother and sister also equal shares, namely, one share each. Therefore the Dhammathatlinga says: “*စံပါးဝိထာနားထွာဝေး ... ငြိမ်းသည့်ရွေး၍ထူဝေး*” [the quotation is substantially the same as the extract from Myingun in section 141].

On the death of the parents let the eldest brother and sister take the clothes and ornaments of the father and mother respectively. The eldest brother shall then receive two shares and the brother next him one, the sister who comes next to the second brother shall receive two-thirds of a share, the brother next to her one-half share, and the sister next to the brother last mentioned one-third share. If the sister is the eldest born she shall receive the *orasa* share equally as the brother next to her. The younger sister and brother (the former being the elder of the two) shall receive equal shares, and the youngest sister and brother (the former being the elder) also equal shares. The shares of the younger brother and sister and those of the youngest brother and sister shall be apportioned proportionately. Debts, if any, shall be liquidated in the same proportion as the shares.

On the death of the parents the eldest brother and sister shall receive equal shares. So also the second brother and sister, and the youngest brother and sister.

The eldest brother and sister shall receive two shares each, the younger brother and sister one share and a half each, and the youngest brother and sister one share each. As regards bulls, cows, goats, and milch cows the eldest brother and sister shall receive larger shares. But the ability and qualifications of each co-heir should be taken into consideration. Whoever contributes most to the welfare of the family estate is best eligible to inherit, whether such co-heir is the eldest or not.

## SECTION 150.

ON THE DEATH OF THE PARENTS PARTITION BETWEEN FIVE,  
SIX, OR SEVEN SISTERS AND A YOUNGER BROTHER.

**Mano.** When, after the birth of seven daughters, a son is born, he shall receive equally as the eldest sister, such portion as is allowed by the rules of the Dhammathats. Of the other six daughters, the second and third shall receive two shares each, the fourth and fifth one share and a half each, and the sixth and seventh one share each.

**Ditto.** When, after the birth of seven daughters, a son is born, he shall receive (as much as the eldest sister) according to the rules of the Dhammathats. The sisters shall not claim larger shares on the ground that they are older.

**Pyu.** When, after the birth of seven daughters, a son is born, he shall receive an equal share with the eldest sister, because the daughters are incapable of assuming the father's office, the son alone being qualified for such a responsibility. For that reason the Dhammathats say that he shall receive as much as the eldest sister.

**Waru.** When, after the birth of several daughters, a son is born, he shall receive a share equal to that of the eldest sister.

**Kaingza.** [The same as Mano.]

**Dhammg.** When, after the birth of five or six daughters, a son is born, the rule of partition of the parental estate, among them, on the death of the parents, is as follows.—

Let the son take his father's clothes, ornaments, personal attendants, ponies, elephants, sword, cups, and goblet bearer, according to the rank to which he belongs. Let the eldest daughter take her mother's clothes and ornaments. Of the remaining animate and inanimate property the eldest daughter and the youngest son shall receive equal shares. The other daughters shall receive proportionate shares allotted them by the rules of the Dhammathats. Debts, if any, shall be liquidated in the same proportion.

**Manugyb.** When, after the birth of five daughters, a son is born, the rule of partition is as follows:—

Let the son take the father's clothes and ornaments, personal attendants, ponies, sword, cups, betel-box and goblet bearers, according to the class to which he belongs. Let the eldest daughter take the mother's clothes and ornaments. Of the remaining animate and inanimate property the eldest sister and the youngest brother

shall receive equal shares The other daughters shall receive proportionate shares allotted them by the rules of the Dhaminathats. Debts, if any, shall be liquidated in the same proportion

Rishi Manu says that the reason for the above rule is that man is superior to woman, for according to the teachings of the Buddha, a man who today enters the Order as a novice is superior to a female *arahat*

[Substantially the same as Mano ]

Kandaw.

[Substantially the same as Mano ]

Tejo.

V a n p a-  
chamma.

When, after the birth of seven daughters, a son is born, partition among them should be made in accordance with the rules of the Dhammathats The elder sister shall receive the same share as the elder brother next younger than her, and the second sister as the second brother next younger than her, and the youngest sister as the youngest brother next younger than her, namely, two shares, one share and a half, and one share respectively

In the present case the eldest sister and the brother shall receive equal shares The second and third sisters shall form the first pair, the fourth and fifth sisters the second pair, and the sixth and seventh sisters the third pair, and the three pairs shall be denominated as the eldest, the intermediate, and the youngest pair, respectively Those forming the first pair shall receive equal shares, namely, two each, those in the second equal shares, namely, one and a half each, and those in the third also equal shares, namely, one share each.

The above mode of division is at variance with the following, namely, the elder brother and the elder sister next younger than him, shall receive equal shares, the second brother and the second sister next younger than him equal shares, and the youngest brother and the youngest sister next younger than him also equal shares. And therefore, care should be exercised in the partition.

But the former mode of partition, where the sisters are older than the brothers who receive shares equal to the sisters, namely, two shares, one share and a half, and one share, may be taken as the converse of the latter.

When, after the birth of seven daughters, a son is born, the <sup>Rāst.</sup> second and third daughters shall receive two shares each, the fourth and fifth one share and a half each, and the sixth and seventh one share each.

The Dhammathatlinga says: “ထပ်ဘဝ၊လူတို့ခွာသော.....  
ဝေဝေလေးငါးရာကြီး။” The meaning of the quotation is as follows:—  
“If, after the birth of a daughter, a son is born, they shall receive equal

shares, and the daughter shall have no claim to the *orasa* share on the ground that she is the eldest born. If there are younger daughters they shall receive proportionate shares, and the rule of partition among younger sons shall, *mutatis mutandis*, apply to them.

**Vinicchaya.** After the birth of five, six, or seven daughters, a son is born; he and the eldest daughter shall receive equal shares. The other daughters shall receive proportionate shares in accordance with the rules of the Dhammathats.

**Manu-vannanā.** When, after the birth of seven daughters, a son is born, partition should be made equitably. The elder sister shall receive as much as the elder brother, the second sister as much as the second brother, and the youngest sister as much as the youngest brother, namely, two shares, one share and a half, and one share respectively.

**Pakāsant.** [Substantially the same as Vinicchaya, but with the additional provision that debts, if any, shall be liquidated in the same proportion as the shares.]

**Rājabala.** After the birth of seven daughters a son is born, they shall all receive equal shares.

**Sōnda.** [The same as Pyu]

**Manu.** When, after the birth of five daughters, a son is born, he shall get the father's personal belongings, and the eldest daughter the mother's. They shall also receive equal shares out of the remaining property. The younger daughters shall receive the proportionate shares to which they are respectively entitled.

**Ditto.** When, after the birth of seven daughters, a son is born, partition among them shall be made in accordance with the rules of the Dhammathats, *i e*, the son shall be established in the father's position, and the remaining property shall be partitioned. The elder daughters stand in the same position as the elder sons, the younger daughters as the younger sons, and the youngest daughters as the youngest sons; and they shall receive two shares, one share and a half, and one share respectively.

**Pāpam.** When, after the birth of seven daughters, a son is born, he shall receive the same share as the eldest sister; the second and third daughters shall receive two shares each, the fourth and fifth daughters one share and a half each, and the sixth and seventh daughters one share each.

**Dāyijja.** When, after the birth of five or seven daughters, a son is born, he and the eldest daughter shall receive equal shares. The other daughters shall receive shares proportionate to their respective ages

When a son is born after the birth of several daughters, he shall *Warulinga*. get the same share as the eldest daughter.

[The same as *Manugyè*]

*Amwebôn.*

When, after the birth of four, five or six daughters, a son is born, *Cittara*. he shall be deemed the *orasa* and shall get the father's office, personal attendants, elephants, ponies, clothes and ornaments, spears, swords, and cups according to his (father's) class and official rank. The eldest daughter shall get the mother's clothes and ornaments. Out of the remaining property the eldest daughter and the son shall receive equal shares. What then remains shall be divided proportionately among the other daughters. Because the Buddha teaches that a man who has just entered the Order is superior to a female *arahat*.

When there are several daughters but only one son, he shall receive a share larger than those of the daughters who shall receive equal shares. A daughter shall not inherit like an *orasa* son though she may be the first born. A younger son's claims are superior to the eldest daughter's. *Kyannet.*

## SECTION 151.

### PARTITION AMONG SEVERAL SONS ON THE DEATH OF THE PARENTS.

The rule of partition among several sons on the death of the *Manunâka*. parents is as follows —

The eldest son shall first take any of the following, namely, elephants, buffaloes, cows, goats, pigs, and fowls. The remainder shall then be divided into twenty shares and he shall again take one share. The remainder shall again be divided into twenty shares, and the second son shall take one share. The remainder shall next be divided into twenty shares and the third son shall take one share. This process shall be repeated as many times as there are sons remaining, until all have received their respective shares. The residue shall then be divided equally among all the co-heirs.

The rule of partition among sons on the death of the parents *Pyu*. is as follows:—

The *orasa* son shall first take any article he chooses out of the estate. The remainder shall then be divided into twenty shares and he shall take one share. The remainder shall again be divided into twenty shares and the second son shall take one share. This process shall be repeated as many times as there are sons remain-

ing, until all have received their respective shares. The residue shall then be divided equally among all the co-heirs.

**Vilāsa.**

On the death of the parents, the rule of partition between the eldest son and the other co-heirs is as follows :—

The eldest son shall first take out of the estate any article he chooses. The remainder shall then be divided into ten shares and he shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons remaining, until all have received their respective shares.

The above rule applies to partition when there are sons only.

**Kungya.**

The rule of partition among children on the death of the parents is as follows :—

The animate and inanimate property of the parents shall be divided into ten shares and the eldest son shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining. The residue shall then be divided equally among all the co-heirs.

**Myingun.**

When partition is made among sons on the death of the parents, the eldest shall be established in the father's position ; so also among daughters the eldest shall be established in the mother's position. The eldest son shall first take any livestock he likes such as cows, buffaloes, goats, &c., which form a portion of the estate. The remainder shall then be divided into twenty shares and he shall take one share. The remainder shall again be divided into twenty shares and the second son shall take one share. The remainder shall again be divided into twenty shares and the third son shall take one share. This process shall be repeated as many times as there are sons still remaining. The residue shall then be divided equally among all the co-heirs.

**Dhamma.**

When there are sons only, the eldest shall take the father's clothes and ornaments. The remaining property, including the mother's clothes and ornaments, shall be divided into ten shares and he shall take one share. This process shall be repeated twice. The residue shall then be divided equally among all the co-heirs.

**Manugyè.**

On the death of the parents, the rule of partition among sons when there are no daughters, is as follows :—

The eldest son shall take the father's clothes and ornaments. The remaining animate and inanimate property, including the

mother's clothes and ornaments, shall be divided into ten shares and he shall take one share. The remainder shall next be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining, until all have received their respective shares. The residue shall then be divided equally among all the co-heirs.

*Another rule.*—The process described shall be repeated six times before the residue is divided equally among all the co-heirs.

Before any partition is made a portion of the estate should be set apart for charitable works.

The rule of partition among children on the death of the parents *Vaṇṇanā* is as follows:—

The eldest son shall first take out of the estate any article he chooses. The remainder shall then be divided into ten shares and he shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining, until all have received their respective shares. The residue shall then be divided equally among all the co-heirs.

[Substantially the same as *Mānussika*.]

*Manuṣya*.

[Substantially the same as *Vaṇṇanā*, but with the additional provision that the rule applies to partition among sons when there are no daughters.]

*Rāsi*.

When there are sons only, the property shall be divided into twenty shares and the *orasa* son shall take one share; and this process shall be repeated as many times as there are sons remaining, until all have received a share each. But the ability and qualifications of each son should be taken into consideration; that is to say, whoever promotes the welfare of the family estate is deemed most eligible to inherit whether he is the eldest or not.

The residue left after each son has received a share according to the process described above, shall be divided equally among all the co-heirs.

[Substantially the same as *Vaṇṇanā*.]

*Vinicchaya*.

[Substantially the same as *Vaṇṇanā*.]

*Manu-  
vaṇṇanā*.

The property shall be divided into ten shares and the eldest son shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining.

*Pariśant*.

Vicchadant.

[Substantially the same as Pyu.]

Rājabala.

Of the five rules relating to partition of inheritance, the rule of partition in cases where there are sons only falls under two heads, namely, partition among sons living with the parents, and partition among sons living apart from the parents. Under the former head the rule of partition on the death of the parents is as follows:—

The eldest son shall first take the father's clothes, ornaments, and personal belongings. The remaining property, including the mother's clothes, ornaments, and personal belongings, shall be divided into ten shares and he shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining, until the youngest has received his share. The property left after the youngest son has taken his share shall again be subjected to the same process described above, twice according to some jurists, or six times according to some others. The residue shall then be divided equally among all the co-heirs.

The above rule of partition applies to cases where there are any number of sons from three upwards

Sōndā.

[The same as Pyu.]

Manu.

When there are sons only, the eldest shall first take (the father's) personal belongings. The remaining property shall be divided into ten shares and he shall take one share. The remainder shall again be divided into ten shares and the second son shall take one share. This process shall be repeated as many times as there are sons still remaining, until the youngest has received his share.

Pāpaka.

[Substantially the same as Pyu.]

Dhamma-  
sāra.

Another rule of partition is as follows:—On the death of the parents, the eldest son shall first take any article he chooses out of the estate. The remainder shall then be divided into ten shares and he shall take one share. The last process shall be repeated as many times as there are sons still remaining.

The above rule, though given in some Dhammathats, does not commend itself to learned men, and is therefore not adhered to in all cases of partition. It is given simply to show every mode of partition. It is not given in the Dhammathats compiled by Letwè-thōndara and Thetpan-Ywaza.

Amwebōn.

[The same as Manugyè.]

Cikara.

[Substantially the same as the first extract from Rant.]

When there are sons only, the property shall be divided into ten shares and the eldest shall take one share. This process shall be repeated as many times as there are younger sons. The residue shall then be divided equally among all the sons. Cittara.

The eldest son who is qualified shall get one-tenth of the whole property. He shall then take out of the remainder any article he chooses. The second shall receive half as much as the eldest son, and the third or youngest son half as much as the second son. If the parents are dead the eldest son shall look after his younger brothers. As he has that responsibility he shall receive again one-tenth of the remainder. The residue shall then be divided equally among all the brothers. The above rule applies when the eldest brother who is married partitions the patrimony on the death of the parents. Kyannat.

## SECTION 152.

## PARTITION AMONG SEVERAL DAUGHTERS ON THE DEATH OF THE PARENTS.

The eldest daughter shall first take out of the estate any article she chooses. The remaining property shall then be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The same process shall be adopted in respect of the other daughters. The above rule applies when there are daughters only. Vilasa.

The rule by which the *orasa* exercises the right of first taking one-twentieth of the estate applies to cases of partition where there are sons only or daughters only. But the ability and qualifications of the co-heirs should be taken into consideration. Whoever promotes the welfare of the family estate is deemed most eligible to inherit whether he or she is the eldest or not.

The residue left after partition according to the rule given above, shall be divided equally among all the co-heirs. Ditta.

When there are daughters only, the eldest shall receive her due share, and the rule of partition among sons shall, *mutatis mutandis*, apply to partition among daughters. Myingun.

On the death of the parents, the rule of partition among several daughters when there are no sons, is as follows:—

The eldest daughter shall first take the mother's clothes and ornaments. The remaining animate and inanimate property includ- Dhanma.

ing the father's clothes and ornaments shall be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. This process shall be repeated as many times as there are daughters still remaining. The method described above shall be repeated six times. The residue shall then be divided equally among all the co-heirs. Before any division is made a portion of the estate shall be set apart for the performance of works of charity for the benefit of the deceased parents.

**Manugyā.** On the death of the parents, the rule of partition among daughters when there are no sons is as follows —

The eldest daughter shall first take the mother's clothes and ornaments. The remaining animate and inanimate property including the father's clothes and ornaments shall be divided into twenty shares and she shall again take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. This process shall be repeated as many times as there are other daughters remaining. The mode of division described above shall be repeated twice according to some jurists, or six times according to some others. The residue shall then be divided equally among all the co-heirs.

**Vaṣṣaṇā.** When there are daughters only, the eldest shall first take out of the estate any article she chooses. The remaining property shall be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. This process shall be repeated as many times as there are daughters still remaining. The residue shall then be divided equally among all the daughters.

**Manuyin.** When there are daughters only, partition shall be made according to their respective ages.

**Rāśi.** When the eldest born is a daughter, she shall first take out of the estate any article she chooses. The remaining property shall be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The same process shall be repeated as many times as there are other younger daughters. The rule applies when there are daughters only.

**Vinīchaya.** When there are daughters only, the eldest shall first take out of the estate any article she values most. The remaining property shall be divided into twenty shares and she shall take two shares. The remainder shall again be divided into twenty shares

and the second daughter shall take one share. The last process shall be repeated as many times as there are daughters still remaining, until all have received a share each. The residue shall then be divided equally among all the co-heirs. Although it is so laid down in the Dhammathats, if the children perform their filial duties towards the parents equally well, they shall receive equal shares of inheritance

When there are daughters only, the eldest shall first take out of the estate any article she values most. The remaining property shall then be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. This process shall be repeated as many times as there are other daughters remaining, until all have received a share each. The residue shall then be divided equally among all the co-heirs Manu-  
vansana.

When there are daughters only, the property shall be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The last process shall be repeated until the youngest has received her share. The residue shall then be divided equally among all the daughters. Pakāsani.

When there are daughters only, they shall receive shares proportionate to their respective ages. Vicchedant.

The rule of partition when there are daughters only, comes under two heads, namely, partition among those living with the parents, and partition among those living apart from the parents. Under the former head the rule of partition on the death of the parents is as follows:— Rajabala.

The eldest daughter shall first take the mother's clothes, ornaments, and personal belongings. The remaining property including the father's personal belongings shall be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The same process shall be repeated as many times as there are daughters still remaining. The mode described above shall be repeated twice according to some jurists, or six times according to some others. The residue shall then be divided equally among all the co-heirs. But before any division is made some portion of the property should be set apart for the performance of charitable works for the benefit of the parents.

The wise should understand that the rules already laid down in cases of partition among sons when there are no daughters, are Dina

invariably qualified by the following circumstances, namely:— whether the parents of the heirs predecease or post-decease the ancestors whose estate is the subject of partition, and whether the co-heirs live with the parents or apart from them.

**Manu.** [Substantially the same as the first extract from Rājabala.]

**Dhammasāra.** On the death of the parents, the rule of partition among daughters when there are no sons is as follows:—

The eldest daughter shall first take out of the estate any article she chooses. The remainder shall then be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The same process shall be repeated as many times as there are other daughters remaining.

The above rule is given merely for information as it is found in some Dhammathats, but it does not commend itself to many jurists and is disregarded by them.

**Amwebōn.** [The same as Manugyè.]

**Cittara.** When there are daughters only, the eldest shall first take out of the estate any article she chooses. The remainder shall then be divided into twenty shares and she shall take one share. The remainder shall again be divided into twenty shares and the second daughter shall take one share. The same process shall be repeated until all the rest have received, in order of seniority, a share each. The residue shall then be divided equally among all the daughters.

**Ditto.** On the death of the parents, the rule of partition among daughters when there are no sons is as follows:—

The estate shall be divided into twenty shares and the eldest shall take one share. This process shall be repeated until all the co-heirs have each received a share. The mode of partition described above shall be repeated twice according to some jurists, or six times according to some others, before the residue is divided equally among all the co-heirs.

## SECTION 153.

### PARTITION AMONG SEVERAL SONS AND DAUGHTERS ON THE DEATH OF THE PARENTS.

**Kuṅgya.** When the eldest born is a daughter and the second child a son, they shall receive equal shares. The younger children shall each receive

one-tenth of the property left after the next immediately preceding brother or sister has taken his or her share. When each has thus received his or her due share, the residue shall be divided equally among all the children. Therefore the Dhammathatlinga says: ဇောင့်နှစ်သော၊ မှီပေရာကာ၊ ..... ထုဝေဝေခြင်းထဲသို့ပင်ဟု။ The meaning of the quotation is as follows —

“If there are a brother and a sister, the former shall receive two shares, and the latter one share. If there is another sister still unmarried she shall receive half a share ”

On the death of the parents, the sons alone shall obtain the hereditary slaves. Myingun.

The rule of partition among several sons and daughters is as follows — Dhammathatkyaw.

Out of the gold, silver, finger-rings, ear-rings, bracelets, necklaces, slaves, buffaloes, cows, goats, pigs, fowls, &c., belonging to the parents, the eldest son and daughter shall take anything they esteem most. After they have so exercised their privilege, each kind of the property shall be divided into twelve shares, and the eldest-born shall take one share of each kind. The remainder shall again be divided into twelve shares and the second child shall take one share of each kind. The same process shall be repeated until the youngest has obtained his or her share. The residue shall then be divided into as many equal shares as there are children and each shall take a share

On the death of the parents the hereditary slaves belonging to both shall be shared equally among all the children. Ditto.

On the death of the parents leaving both sons and daughters, let the eldest son and daughter first take the clothes and ornaments of the father and mother respectively. Then let the remainder be divided into fifteen shares and after the eldest has taken a share, let each succeeding child take one-fifteenth of the property left after the brother or the sister next immediately preceding has taken his or her share. This mode of division shall be repeated twice over or six times over before the residue shall be divided equally among all the co-heirs. Manugya.

But before any division is made, some property should be set apart for charitable works.

The property to which the children of the former marriage are entitled shall be divided into ten shares, and the eldest child shall take two shares, the second child one share and a half, the third

child one share, and the youngest half a share. The residue shall then be divided equally among all the children.

The above rule agrees with those laid down in the following Dhammathats, namely:—Manu, Manosāra, Mānussika, Mano, Dhammavilāsa, Dhammathatkyaw, Manusāra, and Atitya.

**Vinicchaya.** [The same as the first paragraph of the above extract, but with the addition that the same rule of partition applies among children of the later marriage in regard to the property to which they are entitled.]

**Ditto.** When there are sons as well as daughters, the estate shall be divided into six shares: the two elder children shall receive two shares each, and the two younger children one share each.

**Pakāsant** When there are sons as well as daughters, shares should be apportioned according to their position in the family. The eldest son and daughter shall receive the office of the father and mother respectively. Each of them shall also take first a goat and a cow.

**Ditto.** [Substantially the same as the third extract from Vinicchaya.]

**Rājabala.** [Substantially the same as Manugyè.]

**Manu.** When there are sons as well as daughters, let the eldest son and daughter take the clothes and ornaments of the father and mother respectively. The remaining property shall be divided into fifteen shares before any co-heir takes his or her share in succession according to the order of his or her birth. This mode of partition shall be repeated twice, and the residue shall then be divided equally among all the co-heirs.

**Warulinga.** On the death of the father, the estate is partitioned between the mother and children; the rule of partition of the children's share among themselves, is as follows:—

The property shall be divided into ten shares and the eldest son shall take two shares. The remainder shall again be divided into ten shares and the second son shall take one share and a half. The remainder shall again be divided into ten shares and the third son shall take one share. The remainder shall again be divided into ten shares and the elder daughter shall take one share. The remainder shall again be divided into ten shares and the youngest son shall take half a share. The remainder shall again be divided into ten shares and the younger daughter shall take half a share.

The same rule applies to the case of partition among themselves, of the share which the children receive on partition with the father on the death of the mother.

The above rules apply to all classes of people alike.

In a family of six children where there are sons and daughters alternately, and where a son is the eldest born, the rule of partition is as follows:—

Dhamma-sāra.

Let the eldest son and daughter take the personal belongings of the father and mother respectively. The remaining property shall be divided into twenty shares and the eldest son shall take two shares. The remainder shall again be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the third child shall take one share and a half. The remainder shall again be divided into twenty shares and the fourth child shall take one share. The remainder shall again be divided into twenty shares and the fifth child shall take one share. The remainder shall again be divided into twenty shares and the sixth or youngest child shall take one share. The residue shall then be divided equally among all the co-heirs.

[The same as Manugyè.]

Amwebôn.

On the death of the parents, the whole of the estate shall be divided into twenty shares, and the eldest son shall take one share. The remainder shall again be divided into twenty shares and the next son shall take one share. This process shall be repeated until the youngest son has received his share. The younger brothers and sisters shall then be given a portion equal to a fourth of the shares of the elder brothers, and the residue shall finally be divided equally among all the co-heirs.

Kyannet.

Before partition of the estate, the eldest son shall first be given the sheep and goats. The remaining property shall then be divided into twenty shares and the eldest son and eldest daughter shall each take a share in addition to their usual shares. The remainder shall next be divided into four shares and the intermediate son and daughter shall each have one share in addition to their usual shares. The residue shall then be divided equally among all. If there are younger children who are unmarried, the elder children shall give them one-fourth share out of their respective shares.

Ditto.

Over and above the share which he receives along with his co-heirs, the eldest son shall have either the sheep or the goats.

Ditto.

## SECTION 154.

PARTITION AMONG UNMARRIED CHILDREN ON THE DEATH  
OF THE PARENTS.

**Mano.** On the death of the parents leaving unmarried sons and daughters, the eldest son and daughter should assume the responsibility of the father and mother respectively with regard to the younger children, and should tend and maintain them. Therefore the eldest son and daughter shall first take out of the estate a pair of bullocks and a he-goat. Of the remainder the former shall receive two shares, the latter one share and a half, and the younger children one share each.

**Kaingza.** [Substantially the same as Mano except that a goat and a sheep are substituted for the he-goat.]

**Kandaw.** [Substantially the same as Kaingza.]

**Tejo.** [Substantially the same as Kaingza.]

**Vappa-dhamma.** [Substantially the same as Kaingza.]

**Vinicchaya.** When there are sons as well as daughters, partition of inheritance among them shall be in accordance with the rules already laid down.

**Magga-vajjana.** When there are unmarried sons and daughters, the younger children should regard their eldest brother and sister as their parents and show the respect due to them as such; while the latter in their turn should tend and maintain the former. When partition is made of the parental estate, the eldest brother and sister shall first be given a larger share of cows and goats. Of the remaining property the eldest brother shall receive two shares, the eldest sister one share and a half, and the younger sisters and brothers one share each.

**Pakkasat.** The rule of partition among three unmarried sons is as follows:—  
The property shall be divided into twenty shares and the eldest son shall take two shares. The remainder shall again be divided into twenty shares and the intermediate son shall take one share and a half. The remainder shall finally be divided into twenty shares and the youngest son shall take one share.

**Pāpakh.** Among unmarried sons and daughters, the eldest son shall receive two shares, the eldest daughter one share and a half, and the younger sons and daughters one share each.

**Waralinga.** [Substantially the same as Kaingza.]

SECTION 155.

PARTITION AMONG EIGHT CHILDREN OF THE SAME PARENTS.

Eight children are born in the following order: first a daughter, *Vinicchaya*, then a son, then three daughters, next two sons, and lastly a daughter. They shall be formed into pairs as follows:—

The eldest son and daughter shall constitute the first pair; the third and sixth the second; the fourth and seventh the third; and the fifth and eighth the fourth; and the four pairs shall be denominated as the eldest, elder, younger, and youngest pairs respectively.

The rule of partition among them on the death of the parents is as follows:—

The son in the first pair shall first take the father's personal belongings, and the daughter the mother's as well as a family of slaves. The remaining property shall be divided into twenty shares, and the elder of the first pair shall take two shares; the remainder shall again be divided into twenty shares and the younger of the same pair shall take two shares. The remainder shall again be divided into twenty shares and the elder of the second pair shall take one share and a half; the remainder shall again be divided into twenty shares and the younger of the same pair shall take one share and a half. The remainder shall again be divided into twenty shares and those forming the third pair shall take one share each. The remainder shall next be divided into ten shares and the two sisters constituting the fourth pair shall take half a share each. The residue shall finally be divided into eight shares and the eight children shall take one share each.

[Substantially the same as the above, except that the younger in the third pair is not given the same share as the elder in that pair. *Manu-vanpand.* He receives one twentieth of the property left after the elder in that pair has taken her share. Then, again, the eldest daughter is given only one female slave cook instead of a family of slaves as in *Vinicchaya*.]

Eight children are born in the following order: first a daughter, *Pākāsanī*, then a son, then three daughters, next two sons, and lastly a daughter. They shall be formed into pairs as follows:—

The eldest daughter and son shall constitute the first pair; the third and sixth the second; the fourth and seventh the third; and the fifth and eighth the fourth. The four pairs shall be denominated as the eldest, elder, younger, and youngest pairs respectively.

On the death of both parents, let the son and daughter forming the first pair take the clothes, ornaments, and personal belongings of the father and mother respectively. The remaining property shall be divided into twenty shares and those in the first pair shall take two shares each. The remainder shall again be divided into twenty shares and those in the second pair shall take one share and a half each. The remainder shall again be divided into twenty shares and those in the third pair shall take one share each. The remainder shall next be divided into ten shares and those in the fourth pair shall take half a share each. The residue shall finally be divided into eight shares and the eight children shall take one share each.

**Pakāsant.** Eight children are born in the following order · first three sons in succession and then five daughters in succession. Among daughters the one who is best known to the public and respected by the members of the family shall be deemed the eldest among them. So also among sons, the most distinguished shall be deemed the *orasa*.

**Dhammasāra.** Eight children are born in the following order · first a daughter, then a son, then three daughters, next two sons, and lastly a daughter. The rule of partition among them is as follows :—

The eldest daughter shall assume the mother's position and take her clothes and ornaments, such as hair-pins, belts, &c., and the eldest son the father's office and personal belongings. The remaining property shall then be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the eldest son shall take two shares. The remainder shall again be divided into twenty shares and the third child shall take one share and a half. The remainder shall again be divided into twenty shares and the fourth child shall take one share and a half. The remainder shall again be divided into twenty shares and the fifth child shall take one share. The remainder shall again be divided into twenty shares and the sixth child shall take one share. The remainder shall next be divided into ten shares and the seventh child shall take one share. The remainder shall finally be divided into ten shares and the eighth or youngest child shall take half a share. The residue shall be divided equally among them.

**Cittara.** [Substantially the same as the first extract from Pakāsant, except that the eldest daughter and son are not permitted to take the clothes, ornaments, and personal belongings of the mother and father respectively before the division of property.]

## SECTION 156.

### PARTITION AMONG NINE CHILDREN OF THE SAME PARENTS

When there are nine children of the same parents, the first and second shall constitute the first or eldest group, the third, fourth and fifth, the second or elder group, the sixth, seventh, and eighth the third or younger group; and the ninth or youngest shall (by himself or herself) alone form the last party. The division of the property and the allotment of shares to each group shall be the same as in the preceding case (section 155) except that after those in the third group have taken their shares, the remaining property shall be divided into fourteen shares, and the three groups shall take a share each. The remaining eleven shares shall then be divided equally among all the children

## SECTION 157

### PARTITION AMONG TEN CHILDREN OF THE SAME PARENTS.

Ten children are born in the following order first a son, next two daughters, next a son and a daughter, next a son and two daughters, then a son, and lastly a daughter. They shall be formed into groups in the following manner —

The first and second shall constitute the first or eldest group; the third, fourth, and fifth the second or elder group, the sixth and ninth the third or younger group, and the seventh, eighth, and tenth the fourth or youngest group. The rule of partition among them on the death of the parents is as follows:—

Let the eldest son and daughter take the personal belongings of the father and mother respectively. The remaining property shall be divided into twenty shares and the eldest son shall take two shares; the remainder shall again be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the elder daughter of the second group shall take one share and a half. The remainder shall again be divided into twenty shares and the remaining son and daughter of the same group shall take one share and a half each. The remainder shall again be divided into twenty shares and those of the third group and the eldest daughter of the fourth group shall take one share each. The remainder shall next be divided into ten shares and the remaining two of the fourth group shall take half a share each. The residue shall then be divided equally among all the ten children.

\* \* \* \* \*

Ditto.

Ten children are born in the following order: first a son, next two daughters, next a son and a daughter, next a son and two daughters

then a son, and lastly a daughter. They shall be formed into groups in the following manner :—

The first and second shall constitute the first or eldest group ; the third, fourth, and fifth the second or elder group ; the sixth, seventh, and ninth the third or younger group ; and the eighth and tenth the fourth or youngest group. After the eldest son and daughter have taken the personal belongings of the father and mother respectively, the remaining property shall, *mutatis mutandis*, be partitioned according to the rule already laid down (*i.e.*, in the case where there are eight children), the property being divided into twenty shares. But after the children of the third group have taken their shares, the remainder shall be divided into twelve shares and the two children of the fourth group shall take a share each. Then the remaining ten shares shall be distributed among the ten children, each taking a share

**Pakāsani.** Ten children are born in the following order : first a son, then two daughters, next a son and a daughter, next a son, and two daughters, then a son, and lastly a daughter. They shall be formed into groups in the following manner :—

The first and second shall constitute the first or eldest group ; the third, fourth, and fifth the second or elder group, the sixth, seventh, and ninth the third or younger group ; and the eighth and tenth the fourth or youngest group

The eldest son shall be given the father's personal belongings and the eldest daughter the mother's. The remaining property shall then be divided into twenty shares, and the eldest son shall take two shares ; the remainder shall again be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the elder daughter of the second group shall take one share and a half ; the remainder shall again be divided into twenty shares and the son and daughter of the same group shall take one share and a half each. The remainder shall again be divided into twenty shares and those of the third group shall take one share each. The remainder shall next be divided into ten shares and those of the fourth group shall take half a share each. The residue shall finally be divided equally among all the ten children.

**Dhammasāra.** Ten children are born in the following order : first three sons, next five daughters, and lastly two sons. They shall be formed into groups in the following manner :—

The first and fourth shall constitute the first group ; the second, third and fifth the second group ; the sixth, seventh, and ninth the third group ; and the eighth and tenth the fourth group. The rule

already laid down for partition among eight children shall, *mutatis mutandis*, apply in this case also.

Ten children are born in the following order · first a son, next two daughters, next a son and a daughter, next two sons, then a daughter and a son, and lastly a daughter They shall be formed into groups in the following manner — Dhamma-sāra.

The first, second, and third shall constitute the first group; the fourth, fifth, sixth, and seventh the second group; and the eighth, ninth, and tenth the third group The rule of partition laid down in the preceding paragraph shall, *mutatis mutandis*, apply in the present case.

[Substantially the same as the last preceding extract.] Ditto.

Ten children are born in the following order first four sons, next four daughters, then a son, and lastly a daughter. They shall be formed into groups in the following manner :— Cittara.

The first, second, third and fifth shall constitute the first group; the fourth and sixth the second group, the seventh, eighth, and ninth the third group, and the tenth shall be by herself as the fourth party. The rule of partition among them shall, *mutatis mutandis*, be the same as that laid down elsewhere (i.e., among eight children consisting of sons and daughters), except that after those of the third group have taken their shares, the remaining property shall be divided into fifteen shares, and the three groups shall take a share each The remaining twelve shares shall finally be divided equally among all the ten children.

## SECTIONS 158

### PARTITION AMONG ELEVEN CHILDREN OF THE SAME PARENTS.

Eleven children are born in the following order first four daughters, next two sons, then four daughters, and lastly a son. They shall be formed into groups in the following manner :— Vinichaya.

The first and second shall constitute the first group; the third, fourth, and fifth the second, the sixth, seventh, and eighth the third; and the ninth, tenth, and eleventh the fourth. The rule of partition among them shall be as follows :—

The son included in the second group and the eldest daughter shall take the personal belongings of the father and mother respectively. The remaining property shall be divided into twenty shares, and the eldest daughter shall take two shares; the re-

mainder shall again be divided into twenty shares, and the second daughter shall take two shares. The remainder shall again be divided into twenty shares and the elder daughter of the second group shall take one share and a half; the remainder shall again be divided into twenty shares and the remaining daughter of the same group shall take one share and a half; the remainder shall again be divided into twenty shares and the son of the same group shall take one share and a half. The remainder shall again be divided into twenty shares and the son of the third group shall take one share; the remainder shall again be divided into twenty shares and the elder daughter of the same group shall take one share; the remainder shall again be divided into twenty shares and the younger daughter of the same group shall take one share. The remainder shall next be divided into ten shares and the elder daughter of the fourth group shall take half a share; the remainder shall again be divided into ten shares and the younger daughter of the same group shall take half a share; the remainder shall again be divided into ten shares and the youngest son shall take half a share. The residue shall finally be divided equally among all the children.

**Manu-  
vanṣana.**

[The order in which the eleven children are born and the way in which they are grouped together are substantially the same as in the above extract.]

The rule of partition laid down elsewhere (*i.e.*, in the case where there are eight children) shall, *mutatis mutandis*, apply in the present case with the modification that after the children of the third group have taken their shares, the remainder shall be divided into fourteen shares and the three children of the fourth group shall take one share each. The remaining eleven shares shall then be distributed among the eleven children, each taking a share.

**Pakāsaṇi.**

[Substantially the same as Vinicchaya, except that the provision about the eldest son and daughter being allowed, before making any division, to take the personal belongings of the father and mother respectively is not given.]

## SECTION 159.

### PARTITION AMONG TWELVE CHILDREN OF THE SAME PARENTS.

**Vinicchaya.** Twelve children are born in the following order, first four sons, next four daughters, then a son, a daughter, and a son, and lastly a daughter. They shall be formed into groups in the following manner:—

The first, second, and fifth shall constitute the first group; the third, fourth, and sixth the second, the seventh, eighth, and ninth the third, and the rest, *i.e.*, the tenth, eleventh, and twelfth the fourth. The rule of partition among them is as follows.—

The eldest son and the daughter of the first group shall first take the personal belongings of the father and mother respectively. The remaining property shall be divided into twenty shares and the eldest son shall take two shares; the remainder shall again be divided into twenty shares and the second son shall take two shares, the remainder shall again be divided into twenty shares and the eldest daughter shall take two shares. The remainder shall again be divided into twenty shares and the elder son in the second group shall take one share and a half; the remainder shall again be divided into twenty shares and the younger son in the same group shall take one share and a half, the remainder shall again be divided into twenty shares and the daughter in the same group shall take one share and a half. The remainder shall next be divided into ten shares and the son belonging to the third group shall take one share, the remainder shall again be divided into ten shares and the elder daughter in the same group shall take one share, the remainder shall again be divided into ten shares and the younger daughter shall take one share. The remainder shall again be divided into ten shares and the son in the fourth group shall take half a share, the remainder shall again be divided into ten shares and the elder daughter in the same group shall take half a share; the remainder shall again be divided into ten shares and the younger daughter in the same group shall take half a share. The residue shall finally be divided into twelve shares and the twelve children shall take a share each.

[The order in which the twelve children are born and the way in which they are grouped together are the same as in the above extract.] Manu-  
vandanik

The rule of partition laid down elsewhere (*i.e.*, in the case where there are eight children) shall, *mutatis mutandis*, apply in the present case with the modification that, after the children of the third group have taken their shares, the remaining property shall be divided into fifteen shares and the three children in the fourth group shall take a share each. The remaining twelve shares shall then be distributed among the twelve children each taking a share.

Having laid down, in four different cases, the rules by which several children are grouped together and partition is made among them, the grouping and partition in cases other than those expressly mentioned may be made by adopting principles analogous to those underlying the above rules.

Pakāsani.

[The order in which the twelve children are born and the way in which they are grouped together are the same as in Vinicchaya.]

The rule of partition laid down elsewhere (*i.e.*, in the cases in which partition is made among eight, ten, or eleven children) shall, *mutatis mutandis*, apply here.

Dhamma-sāra.

Twelve children are born in the following order : first four sons, then four daughters, next a son, then two daughters, and lastly a son. They shall be formed into groups in the following manner :—

The first, second, and third shall constitute the first group ; the fourth, fifth, and sixth the second ; the seventh, eighth, and ninth the third ; and the tenth, eleventh, and twelfth the fourth. The rule of partition among them shall, *mutatis mutandis*, be the same as the rules laid down elsewhere for partition in cases where there are sons as well as daughters (*i.e.*, in cases where there are eight or ten children).

## SECTION 160.

## PARTITION AMONG FIFTEEN CHILDREN OF THE SAME PARENTS.

Vinicchaya.

When there are fifteen children consisting of both sons and daughters, the rule of partition laid down elsewhere for cases where there are sons and daughters mixed together shall, *mutatis mutandis*, apply in the present case also. The property shall, however, be divided into twenty-five shares each time.

Dhamma-sāra.

The different modes of partition of inheritance which have been laid down by the eminent jurists of old, after carefully consulting select legal works of various pretensions, are difficult to remember. But they are recorded in the rulings which have come down to our times. According to these, partition among several children of both sexes should be made by first arranging the heirs in four parties or groups and dividing the estate into twenty shares as usual. But if the number of children is three, or five, or seven, let the eldest, by himself or herself, be reckoned as the first group.

## SECTION 161.

## THE SEVERAL MODES OF DIVISION AMONG CHILDREN OF THE SAME PARENTS, VARYING IN NUMBER FROM TWO TO TEN.

Dhamma-thakya.

When there are two children the property shall be divided into seven shares : the elder shall take two shares and the younger one share. The remaining four shares shall then be divided equally between them.

When there are three children the property shall be divided into eight shares: the eldest shall take three shares, the second two shares and the youngest one share. The remainder shall then be divided into three shares and each shall take a share.

When there are four children the property shall be divided into twelve shares: the eldest shall take four shares, the second three, the third two, and the fourth one share. The remainder shall then be divided into four equal shares and each shall take a share.

When there are five children the property shall be divided into fifteen shares: the eldest shall take five shares, the second four, the third three, the fourth two and the fifth one share.

When there are six children the property shall be divided into twenty-one shares: they shall take six, five, four, three, two shares, and one share respectively.

When there are seven children, the property shall be divided into twenty-eight shares: they shall take seven, six, five, four, three, two shares, and one share respectively.

When there are eight children, the property shall be divided into thirty-six shares: they shall take eight, seven, six, five, four, three, two shares, and one share respectively.

When there are nine children, the property shall be divided into forty-five shares: and they shall take nine, eight, seven, six, five, four, three, two shares, and one share respectively.

When there are ten children, the property shall be divided into fifty-five shares: and they shall take ten, nine, eight, seven, six, five, four, three, two shares, and one share respectively.

The above rules apply on the death of the father alone, as well as on the death of both parents.

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#### SECTION 162.

THE ELDEST SON DIES BEFORE THE PARENTS: THE SON OF THE DECEASED IS ENTITLED TO THE SAME SHARE AS HIS FATHER'S YOUNGEST BROTHER.

The son of the (deceased) eldest brother shall receive a share *Pya* equal to that of the youngest of his uncles.

The eldest son of a deceased *orasa* shall receive as much of the *Vilasa* inheritance as the youngest of his uncles.

The eldest son of a deceased *orasa* shall receive as much as the youngest of his uncles. But the younger sons shall receive only a quarter as much. Because a son is a nearer kin than a grandson, the latter shall not receive, out of the estate of his grandfather, as much as the co-heirs (brothers and sisters) of his deceased father.

- Kungya.** If the eldest son predeceases the parents, his (eldest) son shall, at the time of partition of the estate of the deceased's parents, receive as much as the youngest of his uncles; similarly if the eldest daughter predeceases her parents, her (eldest) son shall receive as much as the youngest of his aunts.
- Myingun.** If the eldest son predeceases his parents, his *orasa* son, if he leaves one, shall receive as much as the youngest of his uncles. If there are no children the deceased's wife shall receive a suitable share of the inheritance.
- Dhamma-thatkyaw.** If the *orasa* son predeceases the parents leaving his eldest offspring alive, such child shall receive half as much as the youngest of his or her uncles; similarly if the eldest daughter predeceases the parents, her eldest child shall receive half as much as the youngest of his or her aunts.
- Dhamma.** The rule of partition between the co-heirs of an *orasa* who predeceases his parents and the son of such deceased *orasa* is as follows:—  
The deceased's son shall receive as much as the deceased's youngest brother. The same rule applies, *mutatis mutandis*, when the eldest daughter predeceases the parents.
- Manugyè.** [Substantially the same as the extract from Dhamma above, except that it does not say that the rule shall apply, *mutatis mutandis*, to the case where the eldest daughter predeceases the parents.]
- Vañṇanā.** The eldest son of a deceased *orasa* shall receive as much as the youngest of his uncles.
- Manuyin.** The son of a (deceased) *orasa* shall receive as much as the youngest of his uncles.
- Rāst.** [Substantially the same as Vañṇanā.]
- Vinicchaya.** If the eldest son dies his children shall receive as much as his youngest brother.
- Mānu-vañṇanā.** If the *orasa* son predeceases the parents his (eldest) son shall receive as much as his youngest brother. If the eldest son of the deceased should also die, then the younger son shall receive a fourth of the share to which his father would have been entitled.
- Pakāsaṇt.** If the eldest son dies leaving children, they shall receive as much as the youngest co-heir of the deceased.
- V'chedant.** If the eldest son dies before partition of inheritance, his son shall receive as much as his youngest brother.

[The same as Pyu.]

Sōnda.

[Substantially the same as Manugyè.]

Manu.

[Substantially the same as Dhamma.]

Pāpam.

[Substantially the same as Dhamma.]

Dhamma-  
sāra.

[The same as Manugyè.]

Amwebōn.

The *orasa*'s son shall receive as much as the youngest of his uncles. Cittara.

If the eldest son predeceases the parents, his eldest child shall receive as much as his youngest brother; similarly if the eldest daughter predeceases the parents, her eldest child shall receive as much as her youngest sister. If the eldest child is dead, then the younger children shall receive a fourth of the share to which their father or mother would have been entitled. Ditto.

The rule of partition of the grandparents's estate between the grandchildren whose parents have died, and their uncles and aunts is as follows :—

If the deceased is the *orasa* son, his eldest son shall receive as much as his youngest brother. Should the eldest son of the deceased *orasa* die also, then the younger sons shall receive only a quarter of the share to which their father would have been entitled.

The eldest son of the deceased eldest co-heir shall receive as much as the youngest of his uncles. As for the younger children of the deceased they shall receive only a quarter as much as their youngest uncle. Grandchildren shall not share equally with children, for their relationship is more remote. Ditto.

If the deceased eldest son leaves a son, he shall receive as much as his father's youngest brother. Kyannet.

[Substantially the same as the preceding extract.]

Ditto.

### SECTION 163.

THE ELDEST DAUGHTER DIES BEFORE THE PARENTS: THE DECEASED'S CHILD IS ENTITLED TO THE SAME SHARE AS THE DECEASED'S YOUNGEST SISTER.

The (deceased) eldest sister's son shall receive a share equal to Pyu. that of the youngest of his aunts.

The eldest son of a deceased eldest daughter shall receive as much as the youngest of his aunts as his mother's share. Vilāsa.

**Kungya.** [The same as in section 162.]

**Dhamma-  
thatkyaw.** [The same as in section 162.]

**Manugyè.** The rule of partition between the co-heirs of the eldest daughter who predeceases the parents and the daughter of such deceased is as follows —

The deceased's daughter shall receive as much as the deceased's youngest sister, because the eldest sister is like the mother.

**Vannaná** The eldest sister's *orasa* son as well as the eldest brother's son shall receive shares equal to that of the youngest aunt.

**Vinichaya.** On the death of the eldest daughter her children shall receive as much as her youngest sister.

**Manu-  
vanṇanā.** On the death of the eldest daughter, her eldest son shall receive a share equal to that of her youngest sister. If her eldest son is dead also, her younger children, if there are any, shall receive one-fourth of the share to which she would have been entitled, because their mother predeceases her parents. The same rule applies whether the partition is made during the lifetime of the children's grandparents or after their death

**Sónḍa.** [The same as Pyu ]

**Manu.** The daughter of the (deceased) eldest sister shall receive as much as the youngest of her aunts.

**Pānaṁ.** [The same as in section 162.]

**Dhamma-  
sāra.** [The same as in section 162.]

**Amwebôn.** [The same as in Manugyè ]

**Cittara.** If the eldest daughter leaves a son, he shall receive as much as her youngest sister.

**Ditto.** [The same as the second extract in section 162.]

**Kyetyo.** On the death of the eldest sister, her eldest son shall share the portion to which she would have been entitled equally with her youngest sister. If there are only younger sons living, then they shall receive one-fourth of the share to which their mother would have been entitled. They shall not receive as much as any of their aunts or uncles.

**Kyannet.** The son of the eldest brother shall receive as much as his father's younger brother. If the eldest brother is childless, then the eldest sister's son shall receive as much as his mother's younger sister.

SECTION 164.

ONE OF THE YOUNGER CHILDREN DIES BEFORE THE PARENTS ·  
PARTITION BETWEEN THE CHILDREN OF THE DECEASED AND  
THE OTHER CO-HEIRS

If, before partition of the estate, the heirs die, it shall be divided *Pyu* according to discretion among their surviving children, if any.

The child of a deceased younger son shall receive one-fourth of *Vilāsa* the share to which the deceased was entitled

The child of a (deceased) younger son shall receive one-fourth of *Duto*, the share to which the deceased was entitled. He or she shall not receive an equal share with the aunts and uncles

The child of a (deceased) co-heir who was not the eldest shall *Kungya* receive a quarter of the share to which the deceased was entitled. The remaining three-fourths shall revert to the estate. Debts, if any, shall be liquidated in the same proportion.

If the senior grandchild dies the junior grandchildren shall get *Dhanima-thakkyaw* only a fourth of the share to which the parent was entitled. Grandchildren shall not share equally with children, for their relationship is more remote.

If a younger son or daughter predeceases the parents, leaving *Dhamma* children, the rule of partition between such children and their aunts and uncles is as follows —The children shall receive half the share to which their parents were entitled. The other half shall revert to the estate.

If a younger son or daughter predeceases the parents, the rule of *Manugyè* partition between his or her children and their uncles or aunts is as follows :—The children shall receive one-fourth of the share to which their parents were entitled

The son of a deceased younger son shall receive one-fourth of *Vannana*, the share to which the deceased was entitled.

If a younger son predeceases the parents, his children shall *Rasi* receive only one-fourth of the share to which he was entitled. Grandchildren shall not share equally with children, for their relationship is more remote.

A younger daughter and the fifth son die, both leaving children. *Vinicchaya*. On the death of the grandparents, the said grandchildren shall receive one-fourth of the share to which their deceased parents were entitled.

**Vinicchaya.** In a case of partition among eight children where they are formed into four pairs, the daughter not included in the eldest pair and the fifth child who is a son die. If they leave no offspring their shares shall revert to the estate for the benefit of the remaining co-heirs. If there are children, they shall receive, on the death of their grand-parents, one-fourth of the share to which their parents were entitled.

**Ditto.** If a younger son dies (*i.e.*, predeceases the parents) his children shall receive one-fourth of the share to which he was entitled.

**Ditto.** If a younger daughter dies (*i.e.*, predeceases the parents) her children shall receive one-fourth of the share to which she was entitled. The remaining three-fourths shall revert to the estate.

**Manu-vannanā.** The third daughter and the fifth son die (*i.e.*, predecease the parents) both leaving children. On the death of the grandparents, these grandchildren shall receive one-fourth of the share to which their parents were entitled.

**Pakāsant.** The children of a deceased co-heir shall receive one-fourth of the share to which the deceased was entitled.

**Ditto.** The children of a deceased younger son shall receive one-fourth of the share to which he was entitled.

**Rājabala.** A son predeceases his parents; his wife or child shall receive one-fourth of the share to which he was entitled.

**Sōnda.** [The same as Pyu.]

**Manu.** The children of a deceased younger son shall receive one-fourth of the share to which the deceased was entitled.

**Pāpam.** If a son predeceases the parents, his children shall, on the death of their grandparents, receive one-fourth of the share to which he was entitled.

**Dhamma-sāra.** If a younger son or daughter predeceases the parents, his or her children shall receive one-fourth of the share to which he or she was entitled.

**Amwebōn.** [The same as Manugyè.]

**Cittara.** [Substantially the same as Dhamma.]

**Ditto.** The children of a deceased co-heir shall receive one-fourth of the residue of the estate and the remaining three-fourths shall be divided among the co-heirs of the deceased, inasmuch as children are closer relations than grandchildren.

SECTION 165.

TWO UNMARRIED BROTHERS HAVE JOINT PROPERTY ; IF ONE  
OF THEM DIES THE SURVIVOR INHERITS.

Two brothers live together and acquire property jointly. On the **Pyu**.  
death of either, the survivor inherits the property so acquired, -pro-  
vided the deceased died childless.

Two brothers working together acquire property jointly ; on the **Vilāsa**.  
death of either, the survivor inherits.

Two unmarried brothers live together and acquire property **Dhamma**.  
jointly. On the death of either, the survivor inherits. Debts, if  
any, shall be liquidated by the survivor.

Two brothers live together and acquire property jointly. On the **Manugyè**.  
death of either, the survivor inherits. Debts, if any, shall be liqui-  
dated by the survivor. The rule refers to unmarried and childless  
brothers.

[Substantially the same as **Vilāsa**.] **Vaṇṇanā**.

[Substantially the same as **Vilāsa**.] **Rāsi**.

[The same as **Pyu**.] **Sōnda**.

On the death of either (of two brothers) the survivor receives the **Manu**.  
deceased's share of inheritance.

[Substantially the same as **Dhamma** except that the pro- **Dāyajja**.  
vision about the liquidation of debts is not given here.]

[The same as **Manugyè**.] **Anwebōn**

On the death of either of two brothers, the survivor inherits. **Cittara**.

[Substantially the same as **Dāyajja**.] **Ditto**

[Substantially the same as **Vilāsa**.] **Kyetyo**.

Two brothers acquire property jointly ; on the death of the elder **Kyannet**.  
brother the younger inherits.

Two brothers acquire property jointly ; on the death of either, the **Ditto**.  
survivor inherits.

Two brothers, or two sisters, or a brother and a sister work to-  
gether and acquire property jointly : on the death of the elder co-  
heir the younger inherits, and on the death of the latter the former  
inherits,

## SECTION 166.

PARTITION BETWEEN TWO UNMARRIED BROTHERS HAVING  
JOINTLY ACQUIRED PROPERTY.

- Mano.** When two brothers obtain property by a law suit, or otherwise acquire property jointly, it shall be divided equally between them.
- Ditto.** The property jointly acquired by two brothers engaging together in trade, agricultural pursuits, &c , shall be divided equally between them.
- Mānussika.** If two brothers or a brother and a sister work together for their joint benefit, they shall divide the property so acquired equally.
- Kaingza.** [The same as Mano.]
- Dhamma.** If two brothers live together and engage equally in trade they shall divide the profits equally. As regards profits accruing from capital supplied by either, they shall be divided equally between them, the capital reverting to its original owner. In case property is acquired by the elder brother with the pecuniary assistance rendered by the younger, the latter shall receive two shares and the former one share. If the pecuniary assistance is rendered by the elder brother, he shall get two shares and the younger brother one share. Debts, if any, shall be liquidated in the same proportion.
- Mānugyè.** [Substantially the same as Dhamma.]
- Kandaw.** [Substantially the same as Mano.]
- Tejo.** [The same as Mano.]
- Vanna-dhamma.** [The same as Mano.]
- Rāst.** [Substantially the same as Mano.]
- Manu.** Two brothers acquire property by engaging together in trade, or in other business, or by a successful law suit : it shall be divided between them in accordance with the rules of the Dhammathats. If either of them supplies the capital, it shall be set apart and the profits alone shall be divided in accordance with the rules of the Dhammathats.
- Ditto.** If one of two brothers is dependent on the other, the latter shall receive two shares and the former one share. The above rule applies to cases where the brothers are unmarried.
- Dayajja.** [Substantially the same as Dhamma.]

[Substantially the same as Dhamma.]

Amwebôn.

[Substantially the same as Dhamma.]

Cittara, first  
and second  
extracts.

SECTION 167.

OF TWO UNMARRIED BROTHERS HAVING JOINT PROPERTY,  
WHETHER THE ONE WHO IS A CRIPPLE MAY INHERIT.

If one of two brothers living together be suffering from a malignant disease, he shall be furnished only with sufficient food and clothing. Dhamma.

[Substantially the same as Dhamma.]

Manugyè.

If one of two brothers be ill, only the expenses incurred during illness shall be deducted from or set off against his share. Manu.

[Substantially the same as Dhamma.]

Dâyajja.

[The same as Manugyè]

Amwebôn.

SECTION 168.

PARTITION OF JOINT PROPERTY BETWEEN THE YOUNGER  
BROTHER AND THE WIFE AND CHILDREN OF A DECEASED  
ELDER BROTHER

A married elder brother and an unmarried younger brother live together; the former dies. the rule of partition of the property acquired during the lifetime of the former, between the former's wife and children and the younger brother is as follows :— Dhamma.

The younger brother shall take the whole of his inherited property, and the deceased's wife and children the whole of her inherited property; such property is not subject to partition. The animate and inanimate property jointly acquired while the elder brother, his wife and the younger brother, were living together, shall be divided according to the rules of the Dhammathats. Debts, if any, shall be liquidated similarly. If the younger brother supplied the capital, the profits accruing therefrom shall be divided into three shares: he shall take two shares and the widow and her children one share. If the brothers did not possess any capital, but the widow supplied it, she shall take the whole of the capital, and the profits accruing therefrom shall be divided into three shares: the younger brother shall take one share and the widow and her children two shares. Debts, if any, shall be liquidated similarly.

The rule of partition between the younger brother and the wife and children of a deceased elder brother is as follows :— Manugyè.

The inherited property of the younger brother reverts to him, while the widow and her children get her inherited property as well as that of her deceased husband. As regards the animate and inanimate property acquired by the joint utilization of the property mentioned above, while the elder brother, his wife and children and the younger brother were living together, it shall be divided in proportion to the property of each utilized. Debts shall be liquidated in the same manner. If the younger brother supplied the capital, he shall take the whole of it, and the profits accruing therefrom shall be divided into three shares he shall take two shares and the widow and her children one share. Debts, if any, shall be liquidated similarly. If neither brother possessed any capital and the widow supplied it, she and her children shall take the whole of it, and the profits accruing therefrom shall be divided into three shares. the younger brother shall take one share and the widow and her children two shares. Debts, if any, shall be liquidated similarly.

Manu.

One of two brothers living together dies ; the rule of partition between the surviving brother and the widow is as follows.—

The separate property of the deceased shall be taken by his wife and that of the surviving brother shall revert to him. The jointly acquired property shall be divided equally between the widow and the surviving brother. If the deceased had no capital and the surviving brother supplied it, he shall take the whole of the property.

Pāṇinī.

An elder brother, his wife, and a younger brother live together. On the death of the elder brother, the widow shall receive her separate property as well as that of her husband, and the younger brother shall receive his separate property. The profits accruing from the utilization of such separate property as capital shall be divided into three shares and the owner thereof shall take two shares.

Dāyaja.

The rule of partition among the younger brother, the wife and son of a deceased elder brother, all living together is as follows:—

The property shall be divided equally among the three persons. If neither the elder brother nor his wife possessed any capital, and if it was supplied by the younger brother, he shall take the whole of the capital, and the profits accruing therefrom shall be divided into three shares: he shall take one share and the widow and her son two shares.

Amwebōn.

[Substantially the same as Manugyè.]

Cittara.

A married elder brother and a younger brother live and work together. On the death of the elder brother, the younger brother shall

receive his separate share of inheritance and the widow her deceased husband's separate share of inheritance. As regards profits acquired during the partnership they shall be divided equally between them. If the younger brother supplied the capital he shall take the whole of it, and the profits accruing therefrom shall be divided into three shares he shall take two shares and the widow one share. Any property that may be acquired by inheritance while the two brothers were living together, shall not be treated as profits in the partnership. Let each take the property so acquired. Debts, if any, shall be liquidated similarly.

If a co-heir dies childless, his widow shall not inherit the whole Kyannet of his share of inheritance. His elder and younger brothers shall also share the inheritance

The sisters live together and work for their common benefit; one of them marries taking a portion of the joint property, and subsequently dies. The husband of the deceased shall not receive any share out of the joint property. It shall be divided among the surviving co-heirs. This rule applies when the widower took no part whatever in the joint concern; but if he did and if there is only one surviving sister, he shall be given one-third share. Ditto.

Brothers and sisters live together and work for their common gain; one of the brothers marries taking a portion of the joint property and subsequently dies. If he leaves no offspring, the widow shall not receive any share out of the joint property. It shall be divided among the surviving brothers and sisters.

### SECTION 169.

#### PARTITION OF JOINT PROPERTY BETWEEN THE ELDER BROTHER AND THE WIFE AND CHILDREN OF A DECEASED YOUNGER BROTHER.

The rule of partition between the elder brother and the wife and Dhamma. children of a deceased younger brother living together shall, *mutatis mutandis*, be the same as that previously laid down in Dhamma in the last preceding section.

The rule of partition between the younger brother and the wife Manugyb. and children of a deceased elder brother living together (section 168) shall, *mutatis mutandis*, apply to partition between the elder brother and the wife and children of a deceased younger brother living together. So says the Rishi Manu.

[The same as in section 168.]

Manu.

**Dāyajja.** The rule of partition laid down previously (section 168) shall, *mutatis mutandis*, apply to partition between an unmarried elder brother and the wife and children of a deceased younger brother.

**Amwebôn.** [Substantially the same as Manugyè.]

**Cittara.** The rule of partition laid down between the younger brother and the wife of a deceased elder brother shall, *mutatis mutandis*, apply to partition between the elder brother and the wife of a deceased younger brother.

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#### SECTION 170.

ON THE DEATH OF THE ELDER BROTHER WHO OWNED PROPERTY JOINTLY WITH THE YOUNGER BROTHER, PARTITION OF THE ANCESTRAL ESTATE BETWEEN THE YOUNGER BROTHER AND THE WIFE AND CHILDREN OF THE DECEASED.

**Pyu.** [The same as in section 7.]

**Kungya.** [The same as in section 7.]

**Myingun.** A bachelor marries a widow and dies; the rule of partition between the widow and the brothers of the deceased is as follows:—  
The widow shall inherit the property brought by the deceased to the marriage and the property acquired thereafter. As regards ancestral property, it shall be inherited by the son of the deceased; in the absence of a son it shall revert to his brothers.

**Dhamma.** The elder brother, his wife, and younger brother live together: ancestral property acquired by any of them, while so living, shall not be treated as joint property; let each take the whole of such property he or she acquired. Debts, if any, shall be liquidated similarly.

**Kandaw.** If a younger brother succeeds to the office of his deceased elder brother, he shall receive from his sister-in-law a share out of his brother's property. If the deceased leaves a son, the younger brother shall receive his brother's head-dress, swords, spears, and lands held in consideration of the office as well as a female slave cook. The son shall receive the rest of the property. If the deceased leaves no son, the younger brother and the widow shall share the whole of the property equally.

**Rāśi.** The rule whereby a younger brother can share the estate of his deceased elder brother with the wife of the deceased is as follows:—

If the younger brother succeeds to the office of his deceased elder brother he can share the deceased's estate with his sister-

in-law. If the deceased leaves a son, the younger brother shall receive his brother's clothes, a female slave cook and lands held in consideration of the office. The son and the widow are entitled to the rest of the property.

[The same as in section 7.]

Rāst.

[The same as Pyu.]

Sōnda.

If the younger brother succeeds to the office of his deceased elder brother, and if the deceased leaves a son, the widow shall obtain the female slave cook, the younger brother the lands held in consideration of the office, spears, and swords, and the son the rest of the property. If the deceased leaves no offspring the widow and the younger brother shall divide the estate between them equitably.

[The same as Kandaw.]

Cittara.

# SECTION 171.

THE SON OF AN ELDER BROTHER SUCCEEDS TO A HEREDITARY OFFICE IF IT WAS OBTAINED THROUGH HIS FATHER'S ENDEAVOURS, BUT IF IT WAS OBTAINED THROUGH A YOUNGER BROTHER'S EFFORTS, THE YOUNGER BROTHER INHERITS.

[The same as in section 7.]

Dhamma.

[The same as in section 7.]

Manugyè.

One should always strive to qualify oneself for the hereditary office and use one's best endeavours to obtain it by just means.

[The story illustrating the above injunction is substantially the same as that given in the rescript in section 7.]

While two brothers are living together, if an office was obtained through the endeavours of the elder brother, his son shall succeed to it on his death. If, on the other hand, it was obtained through the efforts of the younger brother, he shall succeed to it. Debts incurred in securing the office shall be paid by him who succeeds to it. Other debts shall be liquidated in proportion to the shares of inheritance.

[The same as in section 7].

Rescript.

While two brothers are living together, if the hereditary office was obtained through the elder brother's endeavours, his son shall succeed to it. But if it was obtained through the efforts of the younger brother, he shall succeed to it.

[Substantially the same as Manugyè.]

Amwebon.

Cittara.

As regards hereditary office, the one through whose endeavours it was obtained shall succeed to it. If it was obtained through the younger brother's efforts he shall succeed to it, and on his death it shall devolve on the elder brother's son.

## SECTION 172.

BROTHERS CANNOT PARTICIPATE IN SEPARATE SHARES OF INHERITANCE RECEIVED BY SISTERS-IN-LAW WHILE ALL ARE LIVING TOGETHER.

Manugyè.

Property acquired by inheritance while the elder brother, his wife, and his younger brother are living together shall not be treated as jointly acquired property. Let each one who acquires such property take it. Debts, if any, shall be treated similarly.

Manu.

While two brothers, one of whom is married, are living together, the wife acquires property by inheritance; such property shall not be treated as jointly acquired property. The same rule applies when property is similarly acquired by the unmarried brother.

Dāyējja.

While two brothers, one of whom is married, are living together, property is acquired by them by inheritance; the wife shall not claim such property as jointly acquired. It shall be treated as the separate property of the one who receives it.

Amwebôn.

[The same as Manugyè.]

## SECTION 173.

WHEN THERE ARE NO DIRECT HEIRS, WHETHER A NEPHEW IS ENTITLED TO INHERIT HIS UNCLE'S ESTATE, AND A BROTHER THE ESTATE OF HIS ELDER BROTHER'S WIFE.

Kaingza.

After bridal presents have been given the fiancée dies; her parents cannot claim any more presents from the betrothed, if there was no express undertaking in the presence of witnesses that he would give them. The parents merely desire that their children may prosper from the day of their wedding. In time of adversity, husband and wife, parent and child, share the privations in common and some are even sold for the maintenance of the others. Therefore the Dhammathatī lay down the following :—

A nephew shall not inherit his uncle's or aunt's property; nor shall a man inherit the property of his deceased elder brother's wife; nor a woman the property of her brother's wife; nor a woman the property of her husband's sister. On the death of either husband or

wife the survivor inherits; and on the death of the parents their children inherit.

If a younger brother assumes his elder brother's office or renders service in his stead, he shall be entitled to share his deceased brother's property with the sister-in-law. If the deceased leaves a son, the widow shall receive a female slave cook, the younger brother his brother's clothes, sword, and lands held in virtue of the office, and the son the rest of the property. If the deceased leaves no son, the widow shall receive the whole of that portion which would have been the son's had the deceased left one.

A man holding an office or belonging to one of the hereditary military services, has many blood relations, some of whom are slaves and some are not. On the death of the man the nearest freeborn relative shall succeed him in preference to one who is a slave. Only in the absence of a blood relative who is a freeborn person, shall a blood relative who is a slave be chosen to succeed after paying half the *kobo* to his or her master. Should such a slave die or abscond, then all rights and claims against him shall cease. Neither shall the slaves' relatives have any claim on him or her, nor shall his or her master be entitled to claim compensation from the relatives. In the choice for succession among the relatives, those who are of nearer kinship shall be given the preference to those more remote.

A nephew shall not inherit the property of his uncles or aunts; **Kandaw.** nor shall a man inherit the property of his elder brother's wife; nor a woman the property of her husband's sister, nor that of her brother's wife. On the death of either husband or wife the survivor inherits; and on the death of the parents their children inherit.

When there are direct heirs such as children and grandchildren, **Vappa-**  
**dhamma.** a nephew shall not inherit the property of his maternal uncle or be liable for his debts; nor shall the latter inherit the property of the former or be liable for his debts. The same rule applies between a man and his elder brother's wife, *i.e.*, one shall not inherit the other's property or be liable for the other's debts.

Provided that, between the nephew and uncle, or the younger brother and the sister-in-law, if one discharges the liabilities of the other, the former shall, if not a slave of the latter at the time of the latter's death, acquire the status of an heir in respect of the latter's assets and liabilities. But if the former is a slave of the latter, he or she shall simply obtain emancipation.

In the absence of children, even a slave who is a relative of the master may acquire the status of the master's heir, provided that he or she pays half the *kobo* and discharges all the master's liabilities. Because, though a slave, he or she has acted like an heir.

Cittara.

[The same as Kandaw.]

SECTION 174. [Omitted.]

SECTION 175. [Omitted.]

SECTION 176.

BROTHERS ARE NOT ENTITLED TO ANY REMUNERATION MERELY FOR SERVICES RENDERED TO THEIR SISTERS-IN-LAW.

**Dhamma.** There shall be no remuneration for services rendered reciprocally between a brother-in-law and a sister-in-law.

**Manugyè.** [Substantially the same as Dhamma.]

**Manu.** [Substantially the same as Dhamma.]

**Dāyajja.** [Substantially the same as Dhamma.]

**Amwebôn.** [The same as Manugyè.]

SECTION 177.

PARTITION BETWEEN CHILDREN BEGOTTEN BEFORE AND AFTER MARRIAGE.

**Mano.** A child is born before marriage and another after it. On the death of the parents the latter is entitled to inherit, because the child is born after the parents of the deceased have consented to the union.

**Kaingza.** A child is born before and another after marriage. On the death of the parents the latter is entitled to inherit. The reason why the former who is the elder of the two is not entitled to inherit is because he was born before the parents of the deceased had consented to the marriage.

**Dhamma-thakkyaw.** [Substantially the same as Mano.]

**Kandaw.** [Substantially the same as Kaingza.]

**Tojo.** [The same as Kaingza.]

**Vappa-dhamma.** [The same as Kaingza.]

**Vappanā.** A man marries without his parents' consent and gets a son. He is subsequently given by his parents in marriage to another woman and gets another son by her. If the two wives belong to the same

class, the two sons shall receive equal shares. Otherwise, discretion should be exercised in apportioning the shares.

[Substantially the same as Kaingza.]

Rāsi.

[The same as Kaingza.]

Manu-  
vapana  
Manu.

The son born before marriage shall not be deemed the *orasa*, although he may be the first born. The son born after marriage shall be installed as *orasa*, although he may be younger than him who is born before marriage.

[Substantially the same as Mano.]

Pāpāth.

A son is born to a woman after a casual union. She is subsequently given in marriage by her parents, and other children are born. At the time of partition on the death of the parents, the son born of a casual union shall not inherit at all. The whole of the property shall be inherited by the children born after marriage. The rule here laid down is in accordance with that contained in Shwemyin and Manusāra Dhammathats.

Dhamma-  
sāra.

#### SECTION 178.

CHILDREN ARE BORN AFTER AN ELOPEMENT. SUBSEQUENTLY WITH THE PARENTS' CONSENT, THE HUSBAND AND WIFE ARE LEGALLY UNITED. PARTITION BETWEEN CHILDREN BORN BEFORE AND AFTER WEDLOCK.

A son is born after an elopement. Subsequently with the parents' consent, the parties are legally united. The rule of partition between the son born before and the children born after wedlock is as follows:—

Dhamma.

The eldest son born after wedlock shall be deemed the *orasa*, and shall receive the father's office and personal belongings. He shall also receive one-tenth of the property as the *orasa* share. Then the remainder shall be divided equally among all the children whether they are born before or after wedlock. Debts, if any, shall be liquidated in the same proportion.

A son is born after an elopement. Subsequently with the parents' consent, the parties are formally wedded. The rule of partition between the son born before wedlock and the children born after it is as follows:—

Manugyā.

The son born before wedlock shall not be deemed the *orasa*. The eldest son born after wedlock shall be installed as the *orasa* and shall receive the father's office and personal belongings. He shall also be allowed to take first one-tenth of the remaining property. The remainder shall then be so divided that each co-heir

receives one-tenth of the property left after the elder co-heir next immediately preceding has taken his or her share. Debts, if any, shall be liquidated in the same proportion as the shares.

**Dāyajja.** A son is born after an elopement. Subsequently with the parents' consent, the parties are formally wedded. The rule of partition between the son born before wedlock and the children born after it is as follows :—

The son born before wedlock shall not be deemed the *orasa*. The eldest son born after wedlock shall be installed as the *orasa* and shall receive the father's office and personal belongings. The son born before wedlock shall, however, be allowed to take first one-tenth of the remaining property. The remainder shall then be so divided that each co-heir receives one-tenth of the property left after the elder co-heir next immediately preceding has taken his or her share. The residue of the property shall be divided equally among all the co-heirs.

**Amwebôn.** [Substantially the same as Manugyè.]

**Cittara.** [Substantially the same as Dāyajja.]

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#### SECTION 179.

A WOMAN THREE MONTHS AFTER CONCEPTION MARRIES ANOTHER MAN DURING HER HUSBAND'S ABSENCE, AND GIVES BIRTH TO A CHILD. HER FORMER HUSBAND RETURNS AND TAKES HER BACK AFTER RECEIVING COMPENSATION FROM HER LATTER HUSBAND, AND CHILDREN ARE BORN. PARTITION BETWEEN THE CHILD BORN WHEN THE WOMAN WAS UNDER THE PROTECTION OF THE SECOND HUSBAND, AND THE CHILDREN BORN SUBSEQUENTLY.

**Dāyajja.** A woman three months after conception marries another man during her husband's absence and gives birth to a son. Her former husband returns and takes her back after receiving thirty ticals of silver from the latter husband as compensation; a son is subsequently born. The rule of partition between the two sons on the death of their parents is as follows :—

The son born when the woman was under the protection of the second husband shall receive the compensation paid to the former by the latter husband, but shall not be entitled to inherit other property which shall be inherited by the son born subsequently.

**Cittara.** [Substantially the same as the above.]

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#### SECTION 180. [Omitted.]

SECTION 181.

PARTITION BETWEEN THE SON BY THE CHIEF WIFE AND THAT BY THE SECOND WIFE, THE LATTER BEING THE OLDER OF THE TWO.

If the son by the second wife is older than the son by the chief **Mano** wife, he shall be given a bull in addition to his ordinary share.

If the son by the second wife is older than the son by the chief **Ditta** wife he shall first be given a bull. The rest of the property shall then be divided according to the class to which the mothers of the respective sons belong.

The rule of partition between children by different mothers is as **Pyy**. follows:—If the son by the second wife is older than the son by the chief wife who does not belong to the same class as the husband, then the former shall first be given a bull in addition to his proper share, and the latter a fair portion of the estate.

[The same as the second extract from **Mano**.] **Kaingza**.

[Substantially the same as the second extract from **Kandaw**.  
**Mano**.]

[The same as the second extract from **Mano**.] **Tego**.

If the son by the second wife is older than the son by the chief **Vanna-** wife, the former shall first be permitted to take a bull. The rest **dhama**. of the property shall then be divided between them equitably.

[Substantially the same as the second extract from **Rasi**.  
**Mano**.]

[Substantially the same as the second extract from **Vinicchaya**.  
**Mano**.]

[Substantially the same as the second extract from **Manu-**  
**Mano**. **vaṇṇa**.]

[Substantially the same as the second extract from **Pakāsant**.  
**Mano**.]

[Substantially the same as the second extract from **Rājabala**.  
**Mano**.]

[The same as **Pyy**.] **Sōnda**.

[Substantially the same as **Vaṇṇadhamma**.] **Mano**.

[Substantially the same as **Vaṇṇadhamma**.] **Pāṇḍa**.

If the son by the second wife is older than the son by the chief **Kyannet** wife, the former shall first be given a bull, provided that the

mothers belong to the same class. The remaining property shall then be divided between them equitably.

If the two wives belong to the same class, the elder son shall receive a larger share. The son by the chief wife is also deemed the elder. If the wives belong to the same class they shall receive equal shares. The mother of the elder son shall not receive a larger share, but the elder son shall. If the wives belong to different classes discretion should be exercised in apportioning them shares.

**Kyannet.**

If the chief wife is of a lower class than the second wife, and if the son by the former is older than that by the latter, then shall the two sons receive equal shares. If the son by the chief wife is the younger, the two sons shall receive equal shares only when the second wife is of a lower class than the chief wife.

SECTION 182. [Omitted.]

SECTION 183. [Omitted.]

SECTION 184. [Omitted.]

#### SECTION 185.

CHILDREN, WHO HAVE BEEN LIVING SEPARATELY, DIE IN THE HOUSE OF THE PARENTS. THE PROPERTY OF THE DECEASED SHOULD BE DIVIDED BETWEEN THEIR HUSBANDS OR WIVES AND THE PARENTS. WHEN THE PARENTS DIE, THEIR SHARE REVERTS TO THEIR GRANDCHILDREN, WHO ARE THE CHILDREN OF THE AFORESAID DECEASED. IF NO SUCH CHILDREN SURVIVE, THEN THE PROPERTY SHOULD BE DIVIDED AMONG THE CO-HEIRS OF THE DECEASED CHILDREN: IT CANNOT BE CLAIMED BY THEIR HUSBANDS OR WIVES.

**Dhamma.**

Married children predecease their parents to whom a portion of the property of the deceased reverts. The parents have the right of use over such property during their lives, and are at liberty to exhaust it. On the death of the parents no such property left unexhausted shall revert to the estate and be subject to partition among the surviving co-heirs: it shall be given to the children of the deceased co-heirs. But in the event of the deceased co-heirs leaving no children, the property shall then revert to the estate for the benefit of the surviving co-heirs, and the wives and husbands of the deceased shall have no claim to it.

[Substantially the same as Dhamma but with the additional provision that debts shall be treated similarly] Manugyè, first and second extracts.

[Substantially the same as Dhamma.] Rājabala.

[Substantially the same as Dhamma.] Manu

[Substantially the same as Dhamma.] Dāyajja.

[The same as the first and second extracts from Manugyè.] Amwebôn first and second extracts.

#### SECTION 186

TWO SONS ARE BORN TO A MAN. ONE WHILE HE WAS A MONK AND THE OTHER AFTER HE HAD TURNED LAYMAN; PARTITION BETWEEN THE TWO SONS.

A woman has two sons, one while her husband was a monk and the other after he had turned layman. As the Buddha enjoins celibacy on the members of the monkhood, the second son shall be deemed the *orasa*

[Substantially the same as Rāsi] Manu-vannanā.

[Substantially the same as Rāsi] Pānan.

[Substantially the same as Rāsi] Dhamma-sāra

[Substantially the same as Rāsi] Cittara.

#### SECTION 187.

PARTITION AMONG THE SIX CLASSES OF SONS, WHO ARE ENTITLED TO INHERIT AND WHO LIVE WITH THE PARENTS.

The rule of partition on the death of the parents among the *Dāyajja*, *orasa*, *hetthima*, and *khettaja* sons all living together is as follows:—

The *orasa* shall receive four shares, the *hetthima* one share, and the *khettaja* half a share.

Among the *orasa* and *kittima* sons and the waif or casually adopted son, the rule of partition is as follows:—The *orasa* shall receive five shares, the *kittima* one share, and the casually adopted son one-sixth of the *orasa*'s share.

#### SECTION 188.

PARTITION AMONG THE *ORASA*, *HETTHIMA* AND *KHETTAJA* SONS LIVING WITH THE PARENTS.

When there are three sons by three different wives, the *orasa* *Maso*. (i.e., the son by the chief wife) shall receive four shares, the *het-*

*thima* (i.e., the son by a concubine) one share, and the *khettaja* (i.e., the son by a slave wife) half a share. If there are more than three sons shares should be increased so that each son gets the due share allotted to his class. If the slave wife is still living, her son shall not receive any share, her emancipation being deemed his share of inheritance.

**Mano.** [Substantially the same as the above extract.]

**Manussika.** On the death of the parents the chief wife's son shall receive four shares and the concubine's son one share; the slave wife's son shall not receive any share of the property, but her emancipation shall be taken as his share of inheritance.

**Vilāsa.** On the death of the parents the rule of partition among three sons by three different wives is as follows:—

The chief wife's son shall receive four shares, the concubine's son two shares, and the slave wife's son one share and a half. The reason why the last-named receives one share and a half is because his mother's emancipation is deemed a part of his inheritance.

**Waru.** [Substantially the same as the first extract from Mano.]

**Kaingza.** [Substantially the same as the first extract from Mano.]

**Ditto.** [Substantially the same as the second extract from Mano.]

**Myingun.** The rule of partition among three sons by three different wives on the death of their father is as follows:—

The chief wife's son shall receive four shares, the concubine's son one share, and the slave wife's son half a share. The last-named shall be content with his small share, for with it he secures the emancipation of his mother.

**Kandaw.** [Substantially the same as the first extract from Mano.]

**Tejo.** [The same as the first extract from Mano.]

**Ditto.** [The same as the second extract from Mano.]

**Vaṇṇa-**  
**dharmma.** [Substantially the same as the first extract from Mano.]

**Vaṇṇa.** When there are three sons by three different wives, the chief wife's son shall receive four shares, the concubine's son two shares and the slave wife's son one share and a half.

*Another rule.*—The chief wife's son shall receive four shares, and the concubine's son one share; the slave wife's son shall not receive any share if his mother is living, her emancipation being deemed his share of inheritance; but if she is dead he shall receive half a share.

When there are three sons by three different wives, the chief Manuyn. wife's son shall receive four shares, the concubine's son one share, and the slave wife's son half a share.

[Substantially the same as the first extract from Mano.] Rāsi

[Substantially the same as the first extract from Mano.] Vinicchaya.

[Substantially the same as the first extract from Mano Ditto,  
but with the additional provision that debts shall be  
liquidated in the same proportion as the shares of  
inheritance.]

[Substantially the same as the first extract from Mano.] Manu-  
vannanā.

[Substantially the same as the second rule in Vannanā.] Pakāsanti.

[Substantially the same as Manuyn.] Vicchedanti.

On the death of the several wives of a man, their children shall Rājabala.  
receive shares proportionate to those which their respective mothers  
would have received Debts shall be liquidated in the same pro-  
portion.

When a man has three wives, his estate shall be partitioned Manu.  
among them in the following manner:—

The chief wife shall receive four shares, the second wife three,  
and the slave wife two shares and a half. If the three wives have  
a son each the three sons shall receive in the same proportion  
as their respective mothers. Should any of the wives have more  
sons than one the shares shall be apportioned according to discre-  
tion.

A man takes to wife a female slave and accords her the status Ditto.  
of a concubine by assigning to her a bed-room, but does not "eat  
out of the same dish with her." Then his *orasa* son (*i.e.*, the son  
by the chief wife) shall receive four shares, *hetthima* son (*i.e.*, the son  
by a concubine) one share, and his son by the slave wife (the  
*khettaja*) half a share. Other jurists aver that the last-named shall  
retain only such property as has passed into his hands.

[Substantially the same as the first extract from Mano.] Pāpam.

[Substantially the same as the first extract from Mano.] Kungya-  
linga.

[Substantially the same as the first extract from Mano.] Warulinga.

[Substantially the same as the first extract from Mano.] Dhamma-  
sāra.

Kyetyo.

On the death of the parents the rule of partition among three sons by three different wives is as follows :—

The chief wife's son shall receive four shares, the concubine's son two shares, and the slave wife's son half a share. The reason why the last-named receives half a share is because his mother's emancipation is deemed a part of his inheritance.

Kyannet.

On the death of the parents the chief wife's son shall receive four shares, the concubine's son one share, and the slave wife's son half a share. The slave wife obtains her freedom from the moment she gives birth to a son and hence the son is considered as free-born ; he therefore receives half a share. The same rule applies if the slave wife belongs to the class of hereditary slaves.

## SECTION 189.

PARTITION BETWEEN THE CHILDREN AND THE *KITTIMA* OR ADOPTED CHILD LIVING WITH THE PARENTS ACCORDING TO HIS PLACE IN THE FAMILY WITH REFERENCE TO AGE.

Dhamma.

On the death of the adoptive parents, the *kittima* or adopted child who lived with them shall be treated as their own child and he shall receive his share as such according to the place he occupies in the family with reference to age.

Manugyè.

The statement that on the death of the adoptive parents, the *kittima* or adopted son who lived with them, shall receive the eldest son's share if he is the eldest, the intermediate son's share if he is the intermediate, or the youngest son's share if he is the youngest, shall be understood to mean that he shall receive a share equal to that of the eldest or of the intermediate or of the youngest son of the adoptive parents according as he falls into one of the three classes of sons. Because the adopted children forfeit the right to inherit the estate of their own parents.

Dâyajja.

The rule of partition between the *orasa* son and the *kittima* son who lived with the parents before their death is as follows :—

The *orasa* son may stand in any one of the four kinds of relationship to the *kittima* and the rest of the co-heirs, namely, he may be the eldest, second, third, or youngest. If the *orasa* son is the eldest he shall receive five shares and the *kittima* son one share. If he is the second son he shall receive four shares and the *kittima* son one share. If he is the third he shall receive three shares and the *kittima* son one share. If he is the youngest he and the *kittima* son shall receive equal shares.

[The same as Manugyè.]

Amwebôn.

[Substantially the same as Manugyè.]

Cittara.

### SECTION 190.

#### PARTITION AMONG THE *ORASA*, *KITTIMA*, AND *APATITTHA* SONS LIVING WITH THE PARENTS.

The rule of partition among the *orasa*, *kittima*, and the casually adopted (*apatittha*) sons, on the death of the parents is as follows:—

The property shall be divided into six shares and the *kittima* son shall take one share. The remainder shall again be divided into six shares and the casually adopted son (*apatittha*) shall take one share. The whole of the residue shall then be taken by the *orasa* son.

It is only in the absence of the *orasa* and *kittima* sons that the Rāst. *apatittha* son may inherit.

### SECTION 191.

#### PARTITION BETWEEN THE *ORASA* AND *KITTIMA* SONS LIVING WITH THE PARENTS.

The parents die while the *orasa* and *kittima* sons are living with Mano. them. The *orasa* son shall then receive five shares and the *kittima* son one share. Because, if the parents are reduced to poverty, the *kittima* son also shares the consequences. This rule applies when there are only two sons, one natural and the other adopted. If there are many sons the shares should be correspondingly multiplied.

The rule of partition between the *orasa* and *kittima* sons who Waru. lived with the parents is as follows:—

The property shall be divided into six shares and the *orasa* son shall take five shares and the *kittima* son one share.

[The same as Mano.]

Kaingza.

[Substantially the same as Mano.]

Kandaw.

[Substantially the same as Waru.]

Tejo.

[Substantially the same as Waru.]

Vappa-  
dhemma.

[Substantially the same as Mano.]

Vappanā.

[Substantially the same as Waru.]

Rāst.

Vinicchaya. The rule of partition between the *orasa* and *kittima* sons is as follows :—The former shall take five shares and the latter one share.

Manu-  
vannanā. [Substantially the same as Waru.]

Pakāsanti. [Substantially the same as Waru.]

Pānasm. [Substantially the same as Mano.]

Dāyajja. A couple publicly adopt another's child and behave in all respects like natural parents towards him or her. On their death, if the adopted child lived with them, he or she shall receive one share and their own children five shares.

Warulinga. [Substantially the same as Waru.]

Dhamma-  
sāra. On the death of the parents the estate shall be divided into five shares: the *orasa* son shall take four shares and the *kittima* son one share.

## SECTION 192.

### PARTITION BETWEEN THE *ORASA* SON LIVING APART FROM, AND THE *KITTIMA* SON LIVING WITH, THE PARENTS.

no. If the *orasa* son is living apart from the parents, he shall receive  
&c. four shares.

Ditto. The meaning of the above rule is that, if the *orasa* son is living apart from the parents, the property shall be divided into five shares and he shall receive four shares, and the adopted son who lives with the parents shall receive one share.

Kaingza. [The same as the first extract from Mano.]

Ditto. [The same as the second extract from Mano.]

Kandaw. [Substantially the same as the second extract from Mano.]

Tejo. [The same as the first extract from Mano.]

Vanna-  
dhamma. [The same as the first extract from Mano.]

Vaṇṇanā. [Substantially the same as the second extract from  
Mano.]

Rāsi. [Substantially the same as the second extract from  
Mano.]

Vinicchaya. If the *orasa* son lives apart from the parents he shall receive four shares, and the *kittima* son who lives with the parents shall receive two shares.

[The same as the first extract from Mano.]

Manu-  
vannanā.

[Substantially the same as the first extract from Mano.]

Pakāsanī.

[Substantially the same as the second extract from Rājabala.  
Mano.]

[Substantially the same as the second extract from Pānan.  
Mano.]

If the *orasa* son lives apart from the parents the estate shall be divided into four shares. he shall receive three shares, and the *kittima* son one share. Dhamma-  
sāra.

### SECTION 193

FAILING DESCENDANTS, THE *KITTIMA* SON INHERITS THE  
WHOLE ESTATE.

Failing the four classes of heirs, namely, sons, daughters, grand-children, and great-grandchildren, the *kittima* son who lived with the deceased adoptive parents shall inherit the whole estate. The co-heirs of the deceased shall have no claim to the property. Dhamma.

The rule of partition between a publicly adopted child and the co-heirs of the adoptive parents is as follows :—

On the death of the parents, not leaving any of the four classes of heirs, namely, children, grandchildren, great-grandchildren and great-grandchildren's children, the adopted child who lived with, and tended, the adoptive parents, shall inherit the whole estate, and the co-heirs of the deceased shall have no claim to it. Because adopted children forfeit the right to inherit the estate of their own parents.

[Substantially the same as Manugyè.]

Rājabala.

Failing children or grandchildren, the adopted son shall inherit.

Kungya-  
linga.

The adopted child lives with the adoptive parents before, as well as after, marriage. On the death of the adoptive parents leaving no children, grandchildren, great-grandchildren, or great-grandchildren's children, the adopted child shall inherit the whole estate, the co-heirs of the deceased having no claim to it. Dāyajja.

[The same as Manugyè.]

Amwebôn.

If an adopted child lives with the adoptive parents, and they die without any children of their own, he or she shall inherit their estate. Cittara.

## SECTION 194.

A PERSON DIES AFTER HIS OR HER PARENTS; PARTITION OF HIS OR HER SHARE OF INHERITANCE BETWEEN HIS OR HER CO-HEIRS AND HIS OR HER *KITTIMA* CHILD.

**Dhamma.** The share of inheritance to which a deceased co-heir who dies after the parents was entitled shall be divided equally between the co-heirs and the *kittima* child of the deceased. Debts, if any, shall be liquidated in the same proportion.

**Manugyè.** [Substantially the same as Dhamma.]

**Manu.** The adopted child is entitled to half the share to which his or her adoptive parents were entitled out of the estate of their parents. If there is a natural child also, partition shall be made between the natural and adopted children according to the rules already laid down having regard to the age of each. The above rule refers to cases where the adoptive parents die after their parents.

**Dāyajja.** If a co-heir dies after his or her parents, his or her co-heirs shall receive half the share to which the deceased was entitled. The other half shall be inherited by the deceased's adopted child.

**Amwebôn.** A co-heir dies after the parents but before partition of inheritance. Then the share to which the deceased was entitled shall be divided equally between the co-heirs and the adopted child of the deceased. Debts, if any, shall be liquidated in the same proportion.

**Cittara.** The co-heirs of a deceased shall divide equally between them and the deceased's adopted child the share to which the deceased was entitled.

## SECTION 195.

WHETHER A *KITTIMA* SON LIVING SEPARATELY IS ENTITLED TO INHERIT A SHARE IN THE ESTATE OF HIS ADOPTIVE PARENTS.

**Mano.** A *kittima* or adopted child living apart from the adoptive parents shall not inherit.

**Ditto.** The statement that an adopted child living apart from the adoptive parents shall not inherit, applies only when there are natural children living.

**Waru.** An adopted child living apart from the adoptive parents shall not inherit. But if there are no natural children, the adopted child shall share the inheritance with the relatives of the adoptive parents.

[The same as the first extract from Mano.]

Kaingza.

[Substantially the same as the second extract from Mano.] Ditto

A couple adopt another's child although they have children of their own. If the adopted child leaves the adoptive parents and return to his or her own parents, or lives apart from the adoptive parents on marriage, then he or she shall not inherit any portion of the adoptive parents' estate but may retain what has been given him or her accompanied by delivery of possession. Dhamma.

[Substantially the same as Dhamma.]

Manugyè.

[Substantially the same as the first extract from Mano]

Kandaw.

[The same as the first extract from Mano]

Tejo

[Substantially the same as the first extract from Mano.]

Vanna-  
dhamma.

[Substantially the same as the first extract from Mano.]

Vannanā

If the *orasa* child lives with the parents, but the *kittima* child does not, the latter shall not inherit, because in addition to being merely an adopted child he or she has lived apart Rāsi

[Substantially the same as the first extract from Mano.]

Vinicchaya.

[Substantially the same as the first extract from Mano.]

Manu-  
vannanā.

[Substantially the same as the first extract from Mano]

Pakāsani.

An adopted child living apart from the adoptive parents shall retain only such property as has passed into his or her hands, but shall not receive any share of inheritance. Rājabala.

An adopted child who either returns to his or her own parents, or lives apart from the adoptive parents, shall retain only such property as has passed into his or her hands but shall not receive any share of inheritance. If on the other hand, the adopted child lives with the adoptive parents the latter's relatives shall not inherit. Manu.

[Substantially the same as the first extract from Mano.]

Pānash.

If an adopted child either returns to his or her natural parents or lives apart from the adoptive parents, he or she shall not inherit the latter's estate, but shall retain possession of such property as was given him or her and has passed into his or her hands. Dāyajja.

[Substantially the same as Waru except that it states that the shares shall be equal.] Warulinga.

[Substantially the same as the first extract from Mano.]

Dhamma-  
sāra.

[The same as Manugyè.]

Amwebon.

**Cittara.** When, in the absence of natural sons, a son is publicly adopted, he shall not inherit the adoptive parents' estate, if he either leaves them on marriage or return to his own parents; but he shall retain only such property as has been given him accompanied by delivery of possession. In that case his position as regards his right to inherit, is the same as that of a casually adopted son living with the adoptive parents.

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#### SECTION 196

#### PARTITION BETWEEN THE *KITTIMA* SON AND THE CHILDREN OF ONE OF THE CO-HEIRS.

**Rājabala.** A co-heir has a natural son as well as a *kittima* son, and dies after the parents but before partition of inheritance. The share to which he was entitled shall be divided equally between the natural son and the *kittima* son. Debts, if any, shall be liquidated similarly. A *kittima* son is one who is adopted publicly.

#### SECTION 197

#### PARTITION BETWEEN THE *ORASA* SON LIVING WITH THE PARENTS AND THE *APATIṬṬHA* SON.

**Dhamma.** The rule of partition between natural children and a casually adopted child is as follows —On the death of the parents the estate shall be divided into six shares and the casually adopted child who lives with the adoptive parents shall receive one share, and their natural children five shares.

**Manugyè.** The rule of partition between natural children and a casually adopted child is as follows —The parents die while their natural children are living apart from them and the casually adopted child is living with them. The animate and inanimate property of the parents shall be divided into six shares: the casually adopted child shall take one share, and the natural children five shares.

**Rājabala.** [Substantially the same as Manugyè.]

**Manu.** The parental estate shall be divided into six shares and the *apatittha* or casually adopted child who lives with the adoptive parents shall take one share, and their natural children five shares.

**Ḍāyajña.** If a casually adopted child lives with the adoptive parents, their animate and inanimate property shall, on their death, be divided into six shares, and the casually adopted child shall take one share, and the natural children five shares.

**Anweḍḍa.** [The same as Manugyè.]

**Cittara.** [Substantially the same as Dhamma.]

SECTION 198.

PARTITION BETWEEN THE *APATITTHA* SON LIVING WITH THE  
PARENTS AND THEIR RELATIVES.

In the absence of natural or *orasa*, and publicly adopted or *kittima* **Mano**. sons, the casually adopted or *apatittha* son shall receive equally with the co-heirs of the adoptive parents.

The meaning of the above rule is that in the absence of natural and publicly adopted sons the estate shall be divided into two shares: the casually adopted child shall take one share, and the co-heirs of the adoptive parents the remaining share. If there are more than one such adopted son the number of shares should be increased correspondingly. Failing all classes of heirs the estate devolves on the State. **Ditto**.

[Substantially the same as the first and second extracts **Kaingza**.  
from **Mano**]

A couple having no offspring of their own, casually adopt another's **Dhamma**. child who lives with them. On their death their estate shall be divided equally between the casually adopted child and their co-heirs.

The rule of partition between a casually adopted child and the **Manugye**. co-heirs of the adoptive parents is as follows:—If the casually adopted child lives with the adoptive parents, their property shall, on their death, be divided equally between the casually adopted child and their co-heirs.

[Substantially the same as the first extract from **Mano**.] **Kandaw**.

[Substantially the same as the first extract from **Mano**.] **Tejo**.

[Substantially the same as the first extract from **Mano**.] **Vanna-**  
**dhama**.

[Substantially the same as the first extract from **Mano**.] **Vappana**.

[Substantially the same as the first extract from **Mano**.] **Rasi**.

In the absence of *orasa* or natural, and *kittima* or publicly adopted **Vinicchaya**. sons, the *apatittha* or casually adopted son and the co-heirs shall inherit.

The terms *kittima* and *orasa* shall be understood to include the following classes of children, namely, *kittima* or publicly adopted, *orasa* or natural, *khettaja* or child by a slave wife, *hetthima* or child by a concubine, and *pubbaka* or child of a former marriage.

[Substantially the same as the first extract from **Mano**.] **Manu-**  
**vappana**.

[Substantially the same as the first extract from **Mano**.] **Pakasani**.

**Rājabala.** In the absence of natural sons, the *apatittha* or casually adopted son, living with the adoptive parents, shall share the adoptive parents' estate equally with their co-heirs.

**Manu.** [Substantially the same as the first extract from Manu.]

**Pāṇas.** [Substantially the same as Kaingza.]

**Dāyāja.** In the absence of natural children, the casually adopted child who lives with the adoptive parents shall, on the death of the adoptive parents, inherit half their estate. The remaining half shall be inherited by their co-heirs.

**Ditto.** In the absence of direct heirs, the casually adopted child shall divide the estate of the adoptive parents equally between him or her and the relatives of the adoptive parents.

**Dhammasāra.** In the absence of an *orasa*, *kittima*, *hetthima*, and *khettoja* children, the *apatittha* or casually adopted child shall divide the estate of the adoptive parents equally between him or her and the co-heirs of the adoptive parents.

**Ditto.** [Substantially the same as the above.]

**Amwebōn.** [The same as Manugyè.]

**Cittara.** [Substantially the same as Manugyè.]

**Kyannet.** A child is casually adopted and he or she lives with the adoptive parents. On their death their co-heirs shall not claim the casually adopted child as a slave belonging to the deceased's estate.

#### SECTION 199.

AN *APATITṬHA* SON WHO IS RELATED BY BLOOD TO HIS ADOPTIVE PARENTS, IS ENTITLED TO INHERIT, THOUGH HE MAY BE LIVING SEPARATELY.

**Dhamma.** Failing children, a couple casually adopt a child who belongs to one of the six classes of heirs. On their death the casually adopted child shall receive half the estate of the deceased, although he or she may be living apart from the deceased. The other half shall be inherited by the deceased's co-heirs.

**Manugyè.** The casually adopted child is not a stranger but one belonging to one of the six classes of heirs. On the death of the adoptive parents leaving no natural children, he or she shall share the deceased's estate with their co-heirs, even if he or she should be living apart from them. So says Rishi Manu.

An *apatittha* or casually adopted child shall share the estate of his or her deceased adoptive parents equally with their co-heirs, even if he or she should be living apart from them, provided that he or she belongs to one of the twelve classes of heirs. Rājabala.

*Note.*—The twelve classes of heirs will be given under the head "Inheritance by relatives."

If an *apatittha* or casually adopted child is a relative of the adoptive parents, he or she shall share their estate equally with their co-heirs. Manu.

If a casually adopted son is one of the six classes of relatives of either of his adoptive parents, he shall receive a share equally as the co-heirs of the adoptive parents, although he may live apart from them. Dāyajña.

[The same as Manugyè.]

Amwebōn.

Failing natural children a couple casually adopts a child belonging to one of the six classes of relatives of either of the couple. On their death, such child shall share their estate equally with their co-heirs, although he or she may be living apart from them. Cittara.

#### SECTION 200

AN *APATITTHA* SON LIVING SEPARATELY FROM HIS ADOPTIVE PARENTS, IS NOT ENTITLED TO INHERIT.

A casually adopted child living apart from the adoptive parents shall not inherit the estate of the adoptive parents on their death, but shall retain only such property as was given him or her during their lifetime accompanied by delivery of possession. Dhamma.

A casually adopted child shall not inherit if he or she lives apart from the adoptive parents. On the death of the latter, the separate property of either shall revert to his or her representative heirs; that is to say, the separate property of the mother shall revert to her relatives and that of the father to his relatives. As regards property jointly acquired, the relatives of the father or of the mother are entitled to it according as the mother predeceases the father or the latter predeceases the former. Debts shall be liquidated similarly. If the funeral rites of both the deceased parents are performed by the relatives of both, they shall divide such jointly acquired property equally between them. Ditto.

If a casually adopted child lives apart from the adoptive parents while their own children live with them, he or she shall not inherit, but shall retain only such property as has been given him or her accompanied by delivery of possession. Because he or she has been ungrateful (by leaving the adoptive parents). So says Rishi Manu. Manugyè.

**Manugrè.** If a casually adopted child lives apart from the adoptive parents, he or she shall not inherit the estate of the adoptive parents on their death. The relatives of the deceased shall inherit according to the ordinary rules of inheritance ; that is to say, the relatives of the parent who dies after the other shall inherit both the separate or *payin* and their jointly acquired property, because between husband and wife the survivor becomes the sole heir of the deceased. Debts, if any, shall be treated similarly. But if the funeral rites of both the deceased are performed by the relatives of both, they shall divide the property equally between them.

**Rājabala.** If an *apatittha* or casually adopted child lives apart from the adoptive parents, he or she shall not get his or her share of inheritance, but shall retain only such property as has been given him or her accompanied by delivery of possession.

**Ditto.** If a casually adopted child lives apart from the adoptive parents, he or she shall not inherit.

**Manu.** [Substantially the same as the first extract from Rājabala.]

**Ditto.** If an *apatittha* child lives apart from the adoptive parents, he or she shall not inherit. The estate devolves on the relatives of the adoptive parents.

**Dāyajja.** [Substantially the same as the first extract from Rājabala.]

**Ditto.** [Substantially the same as the second extract from Manu.]

**Amwebôn.** [The same as the first extract from Manugrè.]

**Ditto.** If a casually adopted child lives apart from the adoptive parents, he or she shall not inherit the estate of the adoptive parents on their death. It shall devolve on the rightful relatives of either of the deceased ; and it is said that this means that the separate property of the mother shall revert to her relatives and that of the father to his relatives. But both the separate or *payin* and the jointly acquired property shall devolve on the relatives of the parent who dies after the other, because between husband and wife the survivor becomes the sole heir of the deceased. Debts, if any, shall be treated similarly. But if the funeral rites of both the deceased are performed by the relatives of both, they shall divide the property equally between them.

**Cikara.** If a casually adopted child lives apart from the adoptive parents he or she shall not inherit, because he or she has been ungrateful {by leaving the adoptive parents).

SECTION 201.

RIGHT OF BLOOD RELATIVES TO EXPEL AN ADOPTED SON  
FROM THE FAMILY.

A person with or without children adopts another's child. If the Dhamma-children or the relatives of such person wish to expel the adopted child from the family, they shall pay him or her sixty *akāṣa*s of silver.

[Substantially the same as the above]

Manugyē.

SECTION 202.

PENALTY INCURRED BY A DESTITUTE CHILD WHO REPUDI-  
ATES HIS DUTY OF SUPPORTING HIS ADOPTIVE PARENTS.

A destitute child is taken up and adopted. If, on arriving at ma- Dhamma-turity, he or she repudiates the duty of supporting the adoptive parents and desires to leave them, he or she shall go away only after paying his or her *kobo*.

A destitute child is taken up and adopted. If, on arriving at Manugyē-maturity, he or she repudiates the duty of supporting the adoptive parents and desires to leave them, he or she shall pay the expenses incurred in bringing up him or her. If he or she is unable to pay such expenses he or she shall pay his or her *kobo*.

SECTION 203.

PARTITION AMONG THE CHILDREN OF THE WIVES BELONGING  
TO THE FOUR CLASSES.

A man has four wives, namely, a daughter of an official or one be- Mānussika-longing to the ruling class, a daughter of a Brahman, a daughter of a Vaisya, and a daughter of a poor man; and he has a son by each of them. On his death the son by the official's daughter shall receive four shares, the son by the Brahman's daughter three, the son by the Vaisya's daughter two, and the son by the poor man's daughter one share. The above is the rule of partition among sons of the same father but by different mothers.

In times past a Brahman at Benares had four wives, namely, a Pṛu-daughter of a Brahman, a daughter of an official or one belonging to the ruling class, a daughter of a Vaisya, and a daughter of a poor man, and also a son by each of them. At the time of partition of the estate on the death of the Brahman, the son by the Brahman's daughter received four shares as he duly observed the rules pertaining to

the caste to which his father belonged the son by the official's daughter three, the son by the Vaisya's daughter two, and the son by the poor man's daughter one share. In that wise the King of Benares decided.

**Vilāsa.** [Substantially the same as Pyu.]

**Waru** The rule of partition among four wives belonging to the four classes (section 278) shall apply, *mutatis mutandis*, to the four sons one by each of them

**Dhamma-thatkyaw.** [Substantially the same as Pyu]

**Ditto.** Among several wives some have sons and some have not. In apportioning shares among the sons, their qualifications and abilities should be taken into consideration regardless of their age. There may be one who, though the eldest, falls far short of the father's abilities and attainments, and there may be another who, though one of the younger sons, excels the others in ability and attainments. In the partition of inheritance shares shall be apportioned according to the qualifications and abilities of each

**Vaṇṇanā.** [Substantially the same as Pyu.]

**Rāsi.** In apportioning shares to four sons one by each of four wives the qualifications of the wives and of the sons should be taken into consideration. The following case is a precedent. During the reign of King Sinbyuyin a wealthy Chinaman did not marry any free-born woman, but took to wife four purchased slaves of the following races, namely, Burmese, Talaing, Siamese, and Chinese. Each of the four wives bore a son. On the death of the father the case of partition among the sons came before a judge who decided that the son by the Talaing wife shall receive a larger share as he was the eldest. An appeal was preferred against the decision before another judge who confirmed the previous decision on the ground that all the wives being slaves none of them had a better claim over the rest and that therefore the eldest son should have a larger share than the other sons. An appeal was again preferred before the famous Judge Kyawdinmhu who, on inquiry as to when each of the wives was taken to wife by the deceased, found that the Chinese wife came with him from his native town in China, and further found that she was the youngest among the wives. On the grounds that the other wives were taken to wife by the deceased subsequent to his taking the Chinese wife, that she had come with him from his native town and that she was of the same nationality as her husband, Kyawdinmhu decided that her son shall first take his father's personal belongings, pony, and personal attendants, such as umbrella

sword and goblet bearers, and that the rest of the property shall be divided equally among all the sons. The king on hearing of the decision said that it was the most equitable and just one and rewarded the judge by presenting him with the house occupied by the deceased. That was a decision based on the qualifications of the wives and of the sons.

[Substantially the same as Pyu.]

Râst

[The same as Pyu]

Sônda

[Substantially the same as Waru]

Warulinga.

[Substantially the same as Pyu]

Cittara.

[Substantially the same as Pyu except that the following Kyetso note is added.]

In the above case, Brahmins, from the exigencies of their mode of earning their living at different places used to keep a wife at each of the places where they happened to sojourn and the sons were those born of such wives. Polygamy is the privilege of sovereigns, and ruin is inevitable were an ordinary man to indulge in it. If any of the wives of the Brahmin in the case cited above is childless, she shall receive the share to which her son would be entitled if she had one.

If a prince or an official has four wives, the son by a princess or Ditto, an official's daughter shall receive four shares, the son by a Brahmini three, the son by a Vaisya's daughter two, and the son by a poor man's daughter one share.

[Substantially the same as Pyu]

Kyannot.

## SECTION 204

### PARTITION AMONG THE CHILDREN OF THE WIVES BELONGING TO THE FIVE CLASSES.

The son by an official's daughter shall receive four shares, the <sup>Mano</sup>son by a Brahmin's daughter three shares, the son by a Vaisya's daughter two shares, the son by the wife belonging to the agricultural class one share, and the son by a wife belonging to a class lower than the last named shall retain only such property as has been given him and delivered into his possession.

The rule of partition among the five classes of wives (second extract from Râst in section 278) shall apply, *mutatis mutandis*, to the five sons, one by each of them.

**Manu.** The rule of partition among the five classes of wives (Manu, section 278) shall apply, *mutatis mutandis*, to the five sons, one by each of them.

**Dhamma-sāra.** A man has five wives belonging to the five different classes and a son by each of them. On his death the estate shall be divided into ten shares, and the son by an official's daughter shall receive four shares, the son by a Brahman's daughter three, the son by a Vaisya's daughter two, and the son by a wife belonging to the agricultural class one share. The son by the wife who is of a class lower than the last named shall receive only such compassionate portion as may be allowed him by the other sons.

## SECTION 205.

## PARTITION AMONG THE CHILDREN OF THE WIVES BELONGING TO THE SIX CLASSES.

**Mano.** If there are six sons one by each of six wives belonging to the six different classes, shares shall be apportioned as follows:—

The son by the official's daughter shall receive four shares, the son by the Brahman's daughter three, the son by the Vaisya's daughter two, the son by the wife belonging to the agricultural class and that by the wife belonging to the military class one share each; and lastly the son by a low-born wife shall receive only such property as has been given him by the parents.

**Kaingza.** [The same as Mano.]

**Kandaw.** [Substantially the same as Mano.]

**Tejo.** [Substantially the same as Mano.]

**Vanna-dhamma.** [Substantially the same as Mano.]

**Manuyin.** Among sons born of several wives belonging to different classes shares shall be apportioned proportionately to the class to which each belongs.

**Rāsi.** [Substantially the same as Mano.]

**Manu-vāṣṇā.** [Substantially the same as Mano with the following addition.]

Some jurists decide that the son by the wife belonging to the military class shall receive half a share.

**Pāpaṇ.** [Substantially the same as Mano.]

SECTION 206.

PARTITION BETWEEN THE SON OF A CONCUBINE AND A  
DEPENDANT BROUGHT UP IN THE FAMILY.

The son of a concubine and a dependant brought up in the <sup>Kaingza.</sup> family shall divide the lands, clothes, and chattels (belonging to the deceased father) equally between them. So says the excellent Rishi.

If the chief wife is childless, lands, clothes, chattels and the other <sup>Kandaw.</sup> household furniture shall be divided equally between the concubine's son and a dependant brought up in the family.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

A man has no child by his chief wife, but has a son by a concubine and a dependant adopted and brought up as a son in the family <sup>Rāsi.</sup>

On the death of the parents, the rule of partition between the two sons is, according to the excellent Rishi, as follows:—

They shall divide the lands, clothes, ornaments, chattels, &c., equally between them.

In the absence of all other heirs the estate shall be divided equally <sup>Manu-  
vanpand.</sup> between a concubine's son and a dependant on the family.

SECTION 207.

SECTION 208.

SECTION 209.

PARTITION AMONG THE CHILDREN OF SEVERAL WIVES WHO  
HAVE "EATEN OUT OF THE SAME DISH" WITH THE  
HUSBAND.

If the several wives (in the case cited in section 392) have children, they shall receive the same shares as their respective mothers. <sup>Manugyā</sup> If each of the wives has a son, the son by the first wife shall inherit the father's office. But any son, though born of a wife other than the first, may inherit the office, provided he is duly qualified for it and well known to the local officials. Debts, if any, shall be liquidated similarly.

The rule of partition among several wives who live in the same <sup>Ditto.</sup> house and "eat out of the same dish" with the husband (section 286) shall apply, *mutatis mutandis*, to partition among their sons. So says Rishi Manu.

- Vicchedant.** The rule of partition between two wives (section 287) shall apply, *mutatis mutandis*, to partition between their sons.
- Manu.** The sons by several wives shall receive the portions of their respective mothers (section 284). If the four wives have each a son the son by the first wife shall succeed to his father's office.
- Ditto.** The rule of partition among several wives who live in the same house and "eat out of the same dish" with the husband (*vide* section 286) shall apply, *mutatis mutandis*, to partition among their sons.
- Amwebôn.** If the several wives (in the case cited in section 392) have children, they shall receive the same shares as their respective mothers.
- Ditto.** [The same as the second extract from Manugyðe.]
- Cittara.** The rule of partition among several wives who live in the same house and "eat out of the same dish" with the husband (section 286) shall apply, *mutatis mutandis*, to partition among their sons. Debts, if any, shall be liquidated similarly.

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#### SECTION 210.

PARTITION BETWEEN THE SON BY THE CHIEF WIFE AND THE SONS BY FOUR CONCUBINES WHO HAVE "EATEN OUT OF THE SAME DISH" WITH THE HUSBAND.

- Kyannet.** There are four classes of concubines, namely, (1) a poor man's daughter who is taken to wife by giving her clothes and other property; (2) a woman who is taken to wife by a man who has saved her parents from danger or disease, or has paid any compensation payable by them; (3) a woman who is afforded protection during the time of war and taken to wife; and (4) a hereditary or purchased slave taken to wife by the master.

If a man has children by the chief wife and also by the four concubines enumerated above with all of whom he "eats out of the same dish," partition of his estate, on his death, shall be made as follows:—

If the child by the concubine of the first class is a son, he shall receive one-sixth of her *kobo*, if a daughter, she shall receive one-eighth of it. If the children by the concubines of the second and third classes are sons they shall receive one-eighth of the *kobo* of their respective mothers, if daughters, they shall receive nothing, but their mothers shall be emancipated. If the child by the concubine of the fourth class is a son, she shall be emancipated, if a daughter, the daughter alone shall obtain her emancipation because it is her mother's misfortune not to have a son.

The above rule applies only when the concubines enjoy the privilege of "eating out of the same dish" with the husband.

## CHAPTER IX.

### PARTITION BETWEEN STEP-CHILDREN AND STEP-PARENTS.

#### SECTION 211.

##### PARTITION BETWEEN STEP-FATHER AND STEP-CHILDREN.

If, on the death of the father, the mother marries again, the couple **Mānussika.** are at liberty to make use of the latter's property. If the wife dies and if any property still remains, let it be divided into four shares : and let one share be allotted to the step-father and three shares to the step-children. As regards the property acquired jointly during the second marriage, the step-children are entitled to one-sixth of it, provided that they assisted in its acquisition.

A widower marries a widow having children and the widow dies. **Pyu.** The mode of partition between the step-children and the step-father is, *mutatis mutandis*, the same as that between step-mother and step-children (cited in section 212).

The mode of partition on the death of the mother between her **Vilāsa.** children and their step-father is, *mutatis mutandis*, the same as that described in section 212.

O great king ! If the father dies and the mother marries again, **Waru.** the law of partition on her death between her children and their step-father is as follows :—

The children shall get four shares of their mother's separate or *payin* property and the step-father one share. The property acquired jointly during the subsequent marriage shall be divided into seven shares: the children of the former marriage shall get two shares and their step-father the remaining five.

The law of partition between step-children and step-parent is as **Kungya** follows :—

The children shall get three shares of the separate or *payin* property of their deceased parent, and one share of the property acquired jointly by their deceased parent and the step-parent ; and the step-parent shall get one share of the separate or *payin* property of the deceased and three shares of the jointly acquired property.

On the death of the parent, the children shall get three shares **Yazathat.** of the property of their deceased parent left unexpended, while their step-parent shall get one share. The step-parent is given one share because of the care taken by him or her of the property during the minority of the children.

**Yazathat.**

The property brought by the parent to the subsequent marriage shall be divided into four shares : his or her children shall get three shares and their step-parent one share. As regards the property acquired jointly during the subsequent marriage it shall also be divided into four shares : the step-parent shall receive three shares and the children one share.

**Dhamma.**

On the death of the mother, the property brought by her to the second marriage shall be divided into four shares her children shall get three shares, and their step-father one share. They shall have no interest in their step-father's assets nor shall they be responsible for his liabilities. If the house belonged to the deceased parent, the children shall get it after paying to the step-father one-fourth of its value.

**Ditto.**

The mode of partition between the step-father and step-children is as follows :—

The property brought by the wife to the second marriage shall be divided into four shares : the children of her former marriage shall get three shares and their step-father one share.

The property inherited by the wife after the second marriage shall be divided equally between her children and their step-father. Debts, if any, shall be liquidated in the same proportion. As regards the property acquired jointly during the second marriage the children shall get one share and their step-father five shares.

**Ditto.**

The first husband having died, the widow who has children by the deceased takes a second husband but dies without issue. The mode of partition between the children and their step-father is as follows :—

The children shall get the whole of their deceased father's separate property. The separate property of their mother, and the property acquired jointly during their father's lifetime shall be divided into four shares : the children shall get three shares, and the step-father one share.

As to the property acquired during the second marriage the children shall get one-fourth and the step-father three-fourths.

**Manugyā.**

On the death of the mother (after the second marriage) let the eldest daughter retain what she has obtained as her share. One-fourth of the property brought by her mother to the second marriage shall go to the step-father, while the remaining three-fourths shall be shared by her and her co-heirs. The step-father's separate property and liabilities shall not be subject to partition. If the house is the property of the deceased, it shall be valued, and one-fourth of the

value shall go to the step-father and three-fourths to the eldest daughter.

On the mother marrying again, the eldest son's one-fourth share **Manugyā** of the property, animate and inanimate, shall be kept separate. If the mother dies while he is still under age and living with her, he shall get the whole of his share already given to him, and three-fourths of his mother's separate or *payin* property, the remaining one-fourth going to the step-father. The step-father's separate property and liabilities shall not be subject to partition, but he shall be responsible for one-fourth of his wife's debts. The house shall be valued, and the step-father shall get only a fourth of its value because it is the property of the deceased and her former husband.

The mother (after her second marriage) dies while living together with her son by a former husband and her second husband. The mode of partition between the son and his step-father is as follows :— **Ditto.**

The step-father shall get a fourth of his wife's property. The property inherited by the deceased from her parents during the second marriage shall be shared equally between her son and her second husband, as the husband and wife are heirs to each other. The step-father shall have no right to the property inherited by his step-son from the latter's grandparents, as the share of a grandson. Debts, if any, shall be liquidated in the same proportion. As to the property acquired during the second marriage the step-son shall get only one-sixth. So has Manu, the Rishi, decided.

If the mother spends all the property brought by her to the second **Kandaw** marriage in maintaining the second husband, the son by her former husband shall not protest or prefer any claim on the mother.

Partition between the step-son and step-father shall be made in **Vaṇṇa** the proportion of three to one respectively.

The mode of partition between the step-father and step-son is **Rāsi** the same as that between the step-mother and step-son [namely, the step-son gets four shares and the step-father one share].

If either parent marries again on the death of the other and dies **Rājabala** without issue by the second marriage, the mode of partition between the step-parent and the children of the deceased by the former marriage is as follows :—

Of the property brought to the second marriage by the deceased, the step-parent shall get one share and the children three shares. As regards the property acquired during the second marriage the children shall get one share and the step-parent three shares.

**Rajabala.** In the case of the marriage of a man and a woman, both of whom have married previously if either of them has children by the former marriage, the mode of partition of the separate property of the step-parent between himself or herself and the step-children is as follows:—the latter shall get one share while the former three shares.

If the husband and wife both have children, the mode of partition of the separate property of the survivor on the death of either of them is as follows:—

The property shall be divided into eight shares: the children of the deceased shall get one share, the children of the surviving parent two shares, and the surviving husband or wife five shares.

**Sōnda.** [The same as Pyu.]

**Manu.** On the death of the mother the mode of partition between the daughter and her step-father is as follows:—

The daughter shall get her separate share given her during her mother's lifetime, and also three-fourths of her mother's property as well as the house. The step-father shall retain his separate share of the jointly acquired property and shall get a fourth of his deceased wife's property as well as a fourth of the value of the house which forms the share of his step-daughter. He alone shall be responsible for his own debts.

**Ditto.** Only on the death of the mother, the step-father shall get a fourth share in his wife's property and shall also liquidate his wife's debts in the same proportion. His interest in the house belonging to his wife shall also be a fourth of its value.

The step-father or the step-mother shall liquidate a fourth of his wife's or her husband's debt. The remaining three-fourths shall be liquidated by the children of the debtor.

**Ditto.** The mode of partition between the step-father and step-children is as follows:—

The property brought to the second marriage by the mother of the children shall be divided into four shares: her children shall get three shares and the step-father one share. If the children's mother predecease her parents, they shall get from their grandparents only the share of grandchildren and not the full share of their mother. In such a case the step-father has no interest in his step-children's inheritance.

On the other hand, the step-father is entitled to half his wife's share of inheritance if her parents predecease her. As regards the property jointly acquired during the second marriage, the children shall get one share and the step-father five shares. If the children are dead the step-father shall inherit the whole of the property.

[Substantially the same as Kandaw.]

Pāṇas.

On the death of the parent, the remainder of the property brought by him or her to the second marriage shall be divided into four shares. the children shall get three shares and their step-parent one share. The property acquired during the second marriage shall be divided also into four shares : the children shall get one share and their step-parent three shares. Kungya-  
linga.

On the death of the father, the mother marries again but dies without issue by the subsequent marriage. The mode of partition between her children and their step-father is as follows — Dāyāja.

As regards the property brought by her to the subsequent marriage the children shall get three shares while their step-father shall get one share. As regards the property acquired during the second marriage, the children shall get one share and the step-father five shares. The rule applies only to children living with the parent and step-parent.

[Substantially the same as Waru.]

Warulinga.

[The same as the first extract from Manugyè.]

Amwebôn.

[The same as the second extract from Manugyè.]

Ditto.

[The same as the third extract from Manugyè.]

Ditto.

The children, having obtained their share of inheritance on the death of their mother, live together with their father and step-mother. On the death of the father, they are entitled to retain their separate share and shall get, in addition, three-fourths of their father's share in the property jointly acquired, the remaining one-fourth going to the step-mother. The same rule of partition holds good between the step-son and step-father. If the house is the property of the children's parent, they are entitled to get it after paying one-fourth of its value to the step-father or the step-mother. Cittara.

The father's clothes and ornaments shall be divided equally between the children and the step-mother. Debts, if any, shall be liquidated by the step-parent and children in the proportion of their shares.

The mode of partition between the step-father and step-son is as follows :— Ditto.

The former shall get three shares and the latter one share. The property inherited by the mother during her second marriage shall be shared equally between her son and her second husband. To the property which the step-son inherits, as a grandson, from his grandparents, the step-father shall have no claim. As regards the property acquired during the second marriage the step-father shall

receive five shares and the step-son one share only. Debts, if any, shall be liquidated in the same proportion.

Cittara.

The mode of partition between the step-father and step-son is, *mutatis mutandis*, the same as that between the step-mother and step-son (*i.e.*, the step-son gets four shares of his mother's separate or *payin* property while the step-father gets one share; *vide* third extract from Cittara in section 212)

Kyetyo.

The mode of partition between the step-father and step-son is, *mutatis mutandis*, the same as that between the step-mother and step-son (*i.e.*, the step-son gets four shares of his mother's separate or *payin* property while the step-father gets one share only; *vide* Kyetyo in section 212). The same mode of partition holds good between the step-father and step-daughter.

#### SECTION 212.

##### PARTITION BETWEEN STEP-MOTHER AND STEP-CHILDREN.

Mano.

After the death of the mother the father marries again but dies without issue. The mode of partition between his son by his former wife and the step-mother is as follows:—

The son shall get three-fourths of his parents' property while the step-mother shall get the remaining one-fourth because she is the father's second wife.

Mānussika.

After the death of the mother, the father marries again but dies without issue. If the father spends all the property brought by him to the second marriage in support of his wife, he is at liberty to do so. The son shall get the whole of the remaining property if the step-mother attempts to defraud him and to misappropriate the property. If there is no such attempt he shall get three-fourths of the property brought by the father to the second marriage, and the step-mother one fourth. As regards the property acquired during the second marriage, the step-mother shall get five shares and the step-son one share, provided that he has assisted in its acquisition.

Pyu.

A widow takes a second husband who dies without issue by the marriage. The property brought by him to the marriage shall be divided into four shares: his children by the former marriage shall get three shares and their step-mother one share.

A widower takes a second wife and presents her with clothes and ornaments such as bracelets, necklaces, &c. On his death his children by the former marriage shall not prefer any claim on

such ornaments. But this rule may be relaxed if there is no other property left for division.

A widow takes a second husband who has been previously married. On his death the property brought by him to the second marriage shall be divided into five shares : his son by the former marriage shall get four shares and his second wife one share, because she has preserved the property from waste. Vilāsa.

The mother having died the father marries again but dies without issue. The mode of partition between his children by the former marriage and their step-mother is, *mutatis mutandis*, the same as that between the step-father and step-son. Thus has Rishi Manu decided. Waru.

A widower or a widow marries again but dies without issue by the second marriage. The property brought by him or her to the marriage shall be divided into four shares : his or her children shall get three shares, and their step-parent one share. As regards the property acquired during the second marriage the step-parent shall get three shares and the step-children one share. Kungya.

[The same as Mano.]

Kaingya.

[The same as the first extract in section 211.]

Yazathat.

[The same as the second extract in section 211.]

Ditto.

If, after the death of the mother, the father marries again and his children live with him and his second wife, the property taken by him to the second marriage shall be publicly made known and kept separate. Dhamma.

If the father dies without issue by the second marriage his children shall get his insignia of office and personal property. The rest of the property shall be divided into four shares : his children shall get three shares and their step-mother one share. The step-mother's separate or *payin* property is not subject to partition. The house shall be valued and the step-mother shall get one-fourth of the value and the children three-fourths. She is responsible for one-fourth of the debts of the deceased.

The step-mother shall get one-fourth of the value of the house, and the step-children three-fourths. Ditto.

If a widower marries again but dies without issue, partition of his property shall be made between the step-mother and step-son, according to law. Ditto.

**Manugyā.**

If the father dies without issue by the second marriage, the son of the former marriage shall get his separate share of the animate and inanimate property, such as elephants, ponies, and slaves already given him, as well as the father's clothes and ornaments. The rest of the property brought by the father to the second marriage shall be divided into four shares, and the step-mother shall take one share. The step-mother's separate or *payin* property is not subject to partition. The house shall be retained by the step-son, but one-fourth of its value shall be given to the step-mother. The step-mother shall liquidate one-fourth of her husband's debts, and the remainder shall be liquidated by the son.

**Ditto.**

If the father dies while the eldest daughter is living with him and the step-mother, she shall keep what has already been given her, and shall get three-fourths of her father's share in the property, the remainder going to the step-mother. The house shall be valued and one-fourth of the value shall be given to the step-mother who shall not get the house which shall be given to the daughter.

The reason for the above rule is that the step-mother inherits from her deceased husband, whereas the daughter inherits from both her parents.

The step-mother shall get half the clothes of the deceased, because the wife is the joint-owner of her husband's property.

Debts, if any, shall be liquidated in the same proportion as the shares. The step-mother's separate property and debts are not subject to partition.

The above rule is applicable when there is no issue by the second marriage.

**Kandaw.**

[Substantially the same as Mano.]

**Tejo.**

[The same as Mano.]

**Vappa-  
dhamma.**

[The same as Mano.]

**Vappanā.**

After the death of the mother, the father marries again but dies without issue. The property brought by the father to the second marriage shall be divided into five shares: his children shall get four shares and the step-mother one share.

**Rāsi.**

A widow takes a second husband, but he dies without issue. The property brought by him shall be divided into five shares: his son by a former marriage shall get four shares and the step-mother one share.

**Vinicchaya.**

After the death of the mother, the father marries again but dies without issue. Partition between his children and their step-mother shall be made as follows :—

The children of the former marriage shall get three-fourths of the property brought by their father to the second marriage while the step-mother shall get the remaining one-fourth.

If there are no children by the former marriage, the second wife inherits all the property, as the husband and wife are heirs to each other in the absence of other heirs

[Substantially the same as Mano.]

Pakāsant.

[The same as the first extract in section 211.]

Rājabala.

[The same as the second extract in section 211.]

Ditto.

[The same as the first extract from Pyu.]

Sōnda.

[The same as the second extract from Pyu.]

Ditto.

If the father dies without issue by the second marriage, his son Manu. shall get what has been given him and delivered into his possession. He shall also get his father's clothes, elephants, ponies, slaves, and ornaments. The step-mother shall get a fourth of the rest of the property, a fourth of the value of the house, and shall also be liable for a fourth of her husband's debt.

If the father dies while he, his second wife, and his daughter Ditto. by the former marriage are living together, the daughter shall be made to give to her step-mother one-fourth of her father's property and also one-fourth of the value of the house, and half his clothes.

The daughter shall be given her separate inheritance, the house, a third of her father's share in the property, and half his clothes.

The mode of partition between the step-mother and step-children Ditto. is, *mutatis mutandis*, the same as that between the step-father and step-children.

[Substantially the same as the second extract from Pyu.] Pāpant.

[Substantially the same as Kungya.]

Kungya-  
linga.

The mode of partition between the step-mother and step-children Warulinga. is, *mutatis mutandis*, the same as that between the step-father and step-children (section 211). But the Shwemyin Dhammathat states the law differently by dividing the property brought to the second marriage into four shares and giving the step-mother one share and the step-children three shares, and by applying the same rule to partition between the step-father and step-children.

[The same as the first extract from Manugyè.]

AmweSōn.

[The same as the second extract from Manugyè.]

Ditto.

**Amwebón.** The first wife having died, the husband takes a second wife, and dies leaving children by the first marriage but without issue by the second marriage. The mode of partition between the step mother and her step-children is, *mutatis mutandis*, the same as that between the step-father and step-children.

**Cittara.** [The same as the first extract in section 211.]

**Ditto.** There being no issue by the second marriage, the mode of partition on the death of the father, between his daughter by the first marriage and his second wife is, *mutatis mutandis*, the same as that between the step-father and step-children.

**Ditto.** A widow marries a man previously married. On his death the property brought by him to the second marriage shall be divided between his son by the first marriage and his second wife in the proportion of four to one respectively.

**Kyetyo.** [The same as Vilása.]

### SECTION 213.

AFTER PARTITION BETWEEN CHILDREN AND SURVIVING PARENT, THE LATTER MARRIES AGAIN AND DIES; THE CHILDREN ARE NOT ENTITLED TO CLAIM INHERITANCE FROM THE STEP-FATHER OR STEP-MOTHER.

§:

**Dhamma-thatkyaw.** After the death of the husband, the wife partitions the property with her children and marries again taking her share with her. On her death the children of her former marriage cannot claim from their step-father any property which she took to the second marriage; because they have already obtained their shares.

The same rule applies when, after the death of the wife, the husband marries again after having given the children their respective shares.

**Pāpān.** [Substantially the same as the first paragraph of above.]

**Dhamma-sāra.** After the death of the father, partition is made between the mother and son, the latter getting his due share of gold and silver, as well as his father's office, official badges, sword, and goblet. The mother subsequently takes a second husband but dies without issue. The son by the former husband cannot claim from the step-father any property which his mother took to the second marriage, he having lost the right to it by having obtained his share already.

SECTION 214.

AFTER PARTITION BETWEEN CHILDREN AND MOTHER THE FATHER MARRIES AGAIN AND DIES, THE CHILDREN CANNOT CLAIM INHERITANCE FROM THE STEP-FATHER IF HIS PROPERTY AND THAT OF THE MOTHER HAVE BEEN AMALGAMATED.

After the death of the father, the mother partitions the property with her children. She then marries again taking her share with her, and amalgamating it with the property of her second husband. On her death the second husband inherits, her children having no right to her property as they have already obtained their share.

[ The same as Mano. ]

Kaṅga.

[ The same as Mano. ]

Kandaw.

[ Substantially the same as Mano ]

Tejo.

[ The same as Mano ]

Vanna-  
dhamma.

[ Substantially the same as Mano ]

Rāsi.

[ Substantially the same as Mano ]

Vmicchaya.

[ Substantially the same as Mano. ]

Manu-  
vannā.  
Pakāsañ.

[ Substantially the same as Mano. ]

SECTION 215.

AFTER DIVIDING THE PROPERTY THE PARENTS SEPARATE, AND THE FATHER MARRIES AGAIN AND DIES WITHOUT ISSUE BY THE SECOND MARRIAGE, PARTITION BETWEEN THE OFFSPRING OF THE FORMER UNION AND THE STEP-MOTHER.

After dividing the property the father separates from the mother and takes a second wife. On his death, the property which he took to the second marriage shall be divided into five shares; the children of the former marriage shall get four shares and the step-mother one. The children cannot, however, receive a share in the property acquired jointly during the second marriage.

SECTION 216.

A WIDOWER AND A WIDOW EACH HAVING A SON MARRY, AND A THIRD SON IS BORN. THE WIFE DIES AND THE HUSBAND MARRIES FOR THE THIRD TIME AND DIES WITHOUT ANY ISSUE BY THE LAST MARRIAGE; PARTITION BETWEEN THE THREE SONS AND THEIR STEP-MOTHER.

A widower and a widow each having a son marry. After the birth of a son the wife dies and the husband marries for the third

time, but dies without any issue by the last marriage. In such a case the mode of partition is as follows:—

The offspring of the former marriages shall have no claim to the property acquired during the last marriage. Such property shall be inherited solely by their step-mother. Debts, if any, shall be liquidated also by the inheritrix.

If no property whatever is left by the deceased, the surviving wife shall not be liable for the debts of the deceased. Any property brought by the deceased widow to the second marriage shall be given to the son of her former marriage. Likewise, if there is any property brought by the deceased widow to the second marriage it shall be obtained by the son of his former marriage. The property acquired during the second marriage shall be given to the issue of that marriage. If any of the sons dies his share goes to the survivors. The father's debts, if any, shall be liquidated by the sale of the father's bullocks and buffaloes. If this is insufficient let the remainder be borne equally by the sons.

#### SECTION 217.

A MAN MARRIES AGAIN AFTER SEPARATION FROM HIS WIFE, LEAVING ALL THE PROPERTY WITH HER, AND DIES WITHOUT ISSUE BY THE SUBSEQUENT MARRIAGE. HIS CHILDREN BY THE FORMER MARRIAGE CANNOT CLAIM INHERITANCE FROM THEIR STEP-MOTHER.

**Manu-**  
**vapṇāṇā.** A man marries again after separation from his wife leaving all the property with her. The children by his former wife shall have no right to any property acquired during the second marriage. It shall be given to the children of that marriage.

**Pāṇāṇ.** The husband separates from the wife leaving all the property with her, and marries again. On his death, the wife and children of the subsequent marriage are entitled to the property acquired during that marriage. The children by his former wife cannot get any share of it as their father had left all the property with them at the time of separation from their mother. The same rule applies, *mutatis mutandis*, when the wife separates from the husband leaving all the property with him, and marries again.

**Dhamma-**  
**sāra.** A man marries again after separation from his wife leaving all the property with her. On his death the wife and children of the former marriage cannot lay any claim to his property which entails on the wife and children of the subsequent marriage.

SECTION 218.

A WOMAN MARRIES AGAIN AFTER SEPARATION FROM HER HUSBAND, LEAVING ALL THE PROPERTY WITH HIM, AND DIES WITHOUT ISSUE BY THE SUBSEQUENT MARRIAGE. HER CHILDREN BY THE FORMER MARRIAGE CANNOT CLAIM ANY INHERITANCE FROM THEIR STEP-FATHER

[The same as Pānam in section 217.]

Pānam

SECTION 219. [Omitted.]

SECTION 220

PARTITION BETWEEN A BASTARD SON BORN BEFORE MARRIAGE AND HIS STEP-FATHER

The law as to whether a bastard son can inherit or not is as Dhamma. follows —

If the mother of such bastard son marries taking property with her to the marriage and dies without issue, the property taken by her to the marriage shall be divided into four shares: the bastard son shall get three shares and his step-father one share. Debts contracted before the marriage shall be liquidated in the same proportion

As regards the property acquired during the marriage, it shall be divided into six shares: the bastard son shall get one share and the step-father five shares. Debts contracted after the marriage shall be liquidated in the same proportion.

The property brought by the step-father to the marriage shall be divided into four shares: the bastard son shall get one share and the step-father three shares. Debts shall be liquidated in the same proportion.

The above rules apply when there is no issue by the marriage.

If the deceased wife has inheritance in the hands of her co-heirs, her husband alone shall get it, provided that her marriage was contracted with their approval. The bastard son is entitled to an equal share with the step-father, in his mother's separate or *thinthi* property and in that of the step-father, only when the three persons lived together.

Substantially the same as Dhamma, except that the rule stated Manugyā in the last paragraph is differently given as follows:—

If the parents of the deceased wife predecease her, the husband inherits her share of the inheritance provided that the marriage with him was contracted with the consent of her parents and co-heirs.

Owing to his bastardy, the son cannot inherit his mother's share of inheritance. He inherits his mother's separate or *thinthi* property and that of his step-father for the reason that he has lived together with his mother and step-father.

Any property given him by his maternal aunts and uncles through affection shall be retained by him alone, the step-father having no right to it, because it is a gift made through affection. He cannot claim inheritance from the co-heirs of his mother who herself is excluded from inheritance on account of her disreputable conduct.

Rājabala.

[ Substantially the same as Dhamma except that the rule stated in the last paragraph is not given here.]

Manu.

A son is casually begotten · subsequently his mother contracts a regular marriage and dies. The property in her possession before the marriage shall be divided into four shares : the bastard son shall get three shares and his step-father one share. The latter is also entitled to his wife's inheritance, but he shall not get any of the property given to the former by the relatives of the deceased.

*Note.* — According to the commentary on the above rule, "bastard son" includes also an offspring of a casual union born after the mother has married, and during her husband's lifetime or after his death.

Dāyajja.

The mother of a bastard son marries but dies without issue by the marriage. The property brought by her to the marriage shall be shared between the bastard son and his step-father in the proportion of three to one respectively. Debts contracted prior to the marriage shall be liquidated in the same proportion. As regards the property acquired during the marriage the bastard son shall get one share and the step-father five shares. The property brought by the step-father to the marriage shall be shared between him and his step-son in the proportion of three to one respectively.

Ditto.

The step-father shall not lay any claim to property given to the bastard son by his mother's relatives through affection, while the bastard son is debarred from claiming any inheritance from his mother's co-heirs.

## SECTION 221.

### PARTITION BETWEEN A SON AND THE SEVERAL WIVES OF HIS FATHER.

Mano.

If a man has several wives but only one son, on his death the son shall be given the largest share of his property.

Ditto.

[The same as the above.]

If a man has several wives but only a son by one of them, the son Mānussika. shall be deemed the offspring of all the wives.

[The same as Mano ]

Pyu.

If a man has several wives but only one son, the son shall have the largest share. But if all agree to share equally, equal division shall be made. The above rule does not apply if there are more sons than one by different wives. If one of the wives is low-born the property already given her should be taken into consideration. Ditto.

[The same as Mano.]

Kaingza.

A man has several wives but only one son, or, his death his son alone shall be given the full share, while his wives shall have their shares apportioned according to their number. Dhamma-thakkyaw.

[Substantially the same as Mano ]

Kandaw.

[The same as Mano.]

Tejo.

[The same as Mano ]

Vanna-dhamma.

[Substantially the same as Mano.]

Rāsi.

[The same as Mano ]

Manu-vanṇanā.

[The same as the first extract from Pyu.]

Sōṇḍa

[The same as the second extract from Pyu ]

Dāyajja.

[Substantially the same as Mano ]

Pānadh.

A man has several wives but only one son. On the death of the father, the son shall receive his father's office, official insignia, arms, cups, &c. He shall obtain out of the remaining heritable property a share equal to that of the noblest of the six classes of wives. The residue shall then be divided among the wives according to their social rank. Dhamma-cāra

If one among a number of wives has a son, he shall be deemed Kyannet. the son of all.

## SECTION 222.

A MAN MARRIES FOR THE THIRD TIME AND DIES ; PARTITION BETWEEN THE TWO SONS BY THE FORMER MARRIAGES AND THE THIRD WIFE.

A widower and a widow each having a son marry and the wife Pyu. dies after having property acquired jointly. The husband marries for the third time. The sons of the former marriages shall get the

profits accruing out of their mother's property taken by the father to the third marriage ; but they shall not claim any property acquired by the father and the step-mother by their joint effort : it shall be taken by the step-mother. Debts, if any, shall be liquidated by the inheritors.

If the deceased leaves no children the wife shall not be liable for the debts.

ônda.

[The same as Pyu.]

#### SECTION 223.

A WOMAN MARRIES FOR THE THIRD TIME AND DIES ; PARTITION BETWEEN THE TWO SONS BY THE FORMER MARRIAGES AND THE THIRD HUSBAND.

Pyu.

A widow and a widower each having a son marry and the latter dies ; the wife marries for the third time and dies. The mode of partition between the children of the former marriages and their step-father is, *mutatis mutandis*, the same as that given in section 222.

Sônda

[The same as Pyu.]

#### SECTION 224.

ô.

PARTITION BETWEEN A CONCUBINE AND A DEPENDANT ON THE FAMILY.

Mano.

The concubine and the dependant shall share equally the lands, clothes, ornaments, and house-hold chattels. So says Rishi Manu.

Tejo.

[The same as Mano.]

Pâparh.

If a man dies without leaving a wife or children the house-hold property shall be shared equally between his concubine and the dependant.

#### SECTION 225.

ON THE DEATH OF THE HUSBAND THE WIFE MARRIES AGAIN AND DIES WITHOUT ISSUE, PARTITION BETWEEN HER SECOND HUSBAND AND THE CHILDREN OF THE FIRST HUSBAND BY A CONCUBINE.

Kyannet.

The deceased wife's separate property shall be obtained by the second husband ; her first husband's separate property shall be divided equally between his son by a concubine and the second husband.

SECTION 226. [Omitted.]

SECTION 227. [Omitted.]

SECTION 228.

A MAN HAVING A SON MARRIES A WOMAN HAVING A DAUGHTER. THE WIFE DIES WITHOUT ISSUE BY THE SECOND MARRIAGE. THE HUSBAND MARRIES THE STEP-DAUGHTER AND DIES WITHOUT ISSUE. PARTITION BETWEEN THE WIDOW AND THE SON.

A man having a son marries a woman having a daughter. The Dhamma wife dies without issue by the second marriage. The husband marries the step-daughter and dies without issue. The mode of partition between the widow and the son is as follows:—

The son shall get what his father brought to the second marriage, and the widow shall get what her mother brought likewise. The property jointly acquired shall be divided into three shares and the son shall get one share, and the widow two shares. Debts, if any, shall be liquidated in the same proportion.

If the deceased brings no property to the second marriage but his second wife does, such property shall be divided into four shares: the widow shall get three shares and the son one share. If, on the contrary, the deceased brings property to the second marriage but the second wife does not, such property shall be divided into three shares: the son shall get two shares and the widow one share. Debts, if any, shall be liquidated in the same proportion.

[The same as the above, except that in the last instance the property is divided into four instead of three shares and the widow gets one share and the son three shares.]

A similar rule applies in the following converse case:—

A man having a son marries a woman having a daughter; and the husband dies without issue by the second marriage: the wife marries the step-son and dies without issue. Partition between the widower and the daughter.

[Substantially the same as the first part of Manugyè.] Rājabala.

[The same as Manugyè.] Amwebôn.

[Substantially the same as Manugyè.] Cittara.

## CHAPTER X.

PARTITION AMONG CHILDREN OF A FORMER MARRIAGE, THEIR  
STEP-PARENTS AND CHILDREN OF THE SECOND MARRIAGE.

## SECTION 229.

PARTITION AMONG STEP-MOTHER, HER STEP-CHILDREN AND  
HER OWN CHILDREN.

**Mano.** The property acquired jointly during the second marriage shall on the death of the father be divided into four shares: his sons by the former marriage shall get one share because they derive their right to the property through their father alone, while his children by the second marriage shall get two shares, because they derive their right to the property through both parents, and his second wife shall get one share in her own right.

**Mānussika.** If there is issue by the second marriage, the property shall be divided into eight shares: the step-mother shall get five shares, her own children two shares and her step-children one share.

**Pyu.** On the death of the husband, the property acquired during the second marriage shall be divided among his children by the first marriage, those by the second, and his second wife. It shall be divided into eight shares: the second wife shall get five shares, the children of the first marriage one share, and those of the second two shares.

**Vilāsa.** If the property brought by the father to the second marriage is exhausted during his lifetime, let it be so. If not, on his death, his children by the first wife shall get three shares out of the remainder and his second wife one share. If there are no children by the former marriage, the second wife shall inherit all such property, as husband and wife are deemed heirs to each other. As regards the property acquired during the second marriage, the second wife shall get five shares, the children by her two shares, and those of the former marriage one share.

The children of the former marriage are given one share only, because they derive their right to the property through the father alone. The children of the second marriage are given two shares, because their mother acquires the property with a view of benefiting her own children. Besides, the father who enjoys their company day and night has naturally greater affection for them.

**Kungya.** A widower or a widow having children marries again and dies leaving issue also by the second marriage. The property brought

by him or her to the second marriage shall be divided into eight shares · the children of the former marriage shall get five shares, their step-mother or step-father shall get two shares, according to the rule that husband and wife are heirs to each other, and the children of the second marriage shall get one share, being also heirs of the deceased parent. As regards the property acquired during the second marriage, it shall also be divided into eight shares · the children of the former marriage shall get one share, those of the second two shares, and the surviving parent five shares. Debts, if any, shall be liquidated in the same proportion.

After the death of the father the property acquired during his second marriage shall be divided into eight shares · his children by the first wife shall get only one share, because they derive their claim through him alone, his children by the second wife shall get two shares, because they are entitled to them through both parents; and the second wife shall get five shares, because the property was acquired with her assistance. Kaingza

If there is issue by the second marriage, the property belonging to the first marriage and taken to the second shall be divided into four shares : the children of the former marriage shall get two shares, those of the second, and the step-parent one share each. As regards the property acquired during the second marriage, it shall be divided into eight shares : the children of the former marriage shall get one share, those of the second two, and the step-parent five shares. The above decision is in accordance with the rules contained in the Dhammathats. Yazathat.

[Substantially the same as Pyu.]

Myingun.

A widower having children marries again and has issue also by the second marriage. The property of the first wife taken by him to the second marriage shall not be given to the offspring of the later union; nor shall any one object to the father giving a portion out of the property acquired during the second marriage to his children by the second wife. Ditto.

The mother having died the father marries again and dies.

Dhamma-  
thatkyaw.

The rule of partition between his children and their step-mother is as follows :—

The property brought by the father to the second marriage shall be divided into four shares : his children shall get three shares and their step-mother one share. The step-mother is given one share, because she prevents the property from being squandered; and the children are given three shares, because it is their parents' property at the commencement of their union. As regards property acquired

during the second marriage it shall be divided into eight shares : the second wife shall get five shares, and if there are children by her, they shall get two shares, and the children of the former marriage one share. The step-mother is given five shares, because she is the mistress of the house ; the children of the second marriage get two shares, because they inherit through both parents ; and those of the former marriage get one share, because their right to inherit is only through the father.

The above rule applies when all the parties are living together.

Kandaw. [Substantially the same as Kaingza.]

Tejo. [The same as Kaingza.]

Vappa-dhamma. [The same as Kaingza.]

Ditto. The separate (*payin*) property of the first husband shall be obtained by his children and that of the second husband by his children

In the case of a couple both of whom have previously married the children shall have no right to the clothes and ornaments given by the husband to the wife. Thus have the wise decided.

Vappanā. On the death of the father, the property brought by him to the second marriage shall be divided into four shares : his children by the former marriage shall get three shares and their step-mother one share.

As regards the property acquired during the second marriage the children of the former marriage shall get one share and the step-mother three shares. But if there is issue by the second marriage, it shall be divided into eight shares : the children of the former marriage shall get one share, those of the second two shares, and the second wife five shares.

Manuyin. On the death of the mother, the father marries again and dies leaving issue by the second marriage. The estate shall be divided, and the second wife shall get five shares, her children by the marriage two shares, and her step-children one share.

Ditto. As regards the property taken by the father to the second marriage, if it should be exhausted, let it be so. If not, the residue shall be divided into four shares : the children of the former marriage shall get three shares and their step-mother one share. Such property shall not be given to the offspring of the second union, nor shall any of the property acquired during the second marriage be given to the children of the former marriage.

RAsl. The first husband dying, the widow takes a second husband who has children by a former marriage. On the death of the second

husband, the property brought by him shall be divided into five shares : his children by the former marriage shall get four shares and his second wife one share. She is given one share, because she prevents the property from being squandered.

The first wife dying, the widower takes a second wife and dies. Rāst.  
The property brought by him to the second marriage shall be divided into four shares : his children by the first wife shall get three shares and his second wife one share. If the widower has no children by the first wife, the second wife inherits all the property, as husband and wife are deemed heirs to each other.

After the death of the father, the rule of partition of the property acquired during the second marriage among his children by the first and second marriages and his second wife is as follows :— Ditto.

The property shall be divided into eight shares : the second wife shall get five, her children by the marriage two shares, and those of her husband by the former wife one share.

Therefore the Dhammathatlinga says “အသက်လုံလေး၊ အထသေမှု။  
... အသေမဲ့တည်း။” [The meaning of the quotation is exactly the same as the above rule.]

The first wife having died, the widower marries again and dies, Vinicchaya.  
leaving issue by the second marriage. The property brought by him to the second marriage shall be divided into eight shares, and his children by the first wife shall get five shares, those by the second one share, and the second wife two shares.

After the death of the mother, the father takes a second wife Manu-  
vāṇṇanā.  
and dies. The rule of partition between his children and their step-mother is as follows :—

The children shall get three out of four shares of the property of their own parents and one share shall be given to the step-mother.

As regards the property acquired during the second marriage the second wife shall get five shares, her children by the marriage two shares, and her step-children one share.

Another rule is that the property brought by the father to the second marriage shall be divided into five shares : his children by the former wife shall get four shares and their step-mother one share.

The clothes and ornaments given by the father to his second wife Ditto.  
shall not be claimed by the children.

[Substantially the same as Vinicchaya ]

Pakāsani.

The mother having died, the father takes a second wife and dies. Vicchedani  
The property acquired during the second marriage shall be divided

into eight shares : the second wife shall get five shares, her children of the marriage two shares, and her step-children one share.

If the property brought by the father is still left, it shall be divided into four shares. the children of the former marriage shall get three shares and their step-mother one share. If it is exhausted, the children cannot prefer any claim.

Rājabala.

If there is issue by the second marriage, the property acquired during that marriage shall be divided into eight shares the children of the former marriage shall get one share, those of the second two, and the surviving second husband or wife five shares. If the house is the property of the former marriage, it shall be obtained by the children of that marriage after paying one-fourth of its value to the step-parent.

If the children of the former marriage have obtained their respective shares of inheritance from their own parents, such shares become their separate property.

Ditto.

If there is issue by the second marriage, the property acquired during that marriage shall be divided into nine shares the son of the marriage shall take two shares, the son of the husband by his former wife one share, the son of the second wife by her former husband one share, and the surviving parent the remaining five shares.

Sōnda.

[The same as Pyu ]

Pāṇam.

The mother having died, the father marries again and dies (leaving issue by the second marriage). The rule of partition is, *mutatis mutandis*, the same as when the father having died the mother marries again and dies leaving issue by the second marriage [vide Pāṇam in section 230.]

Dāyajja.

The mother having died, the father marries again and dies leaving issue by the second marriage. The children of the former marriage shall get three out of four shares of their own parents' property and the remaining share shall be given to their step-mother.

As regards the property acquired during the second marriage, the offspring of that union shall get two shares, the second wife five shares, and the children of the former marriage one share.

The property inherited by the father during the second marriage shall be divided equally between the children and their step-mother.

The father's separate property acquired before he contracted his second marriage shall be partitioned between the children and their step-mother in the proportion of one to five respectively.

Ditto.

The mother having died, the father marries again and dies leaving issue also by the second marriage. The property brought from the

former marriage shall be divided into five shares: the children of the former marriage shall get three shares, those of the second marriage and the second wife one share each. As regards the property acquired during the second marriage the children of the former marriage shall get one share, those of the second two shares, and the second wife five shares.

The Manusāra Dhammathat says that the property acquired during the second marriage shall be divided into eight shares: the second wife shall get five shares, her children by the marriage two shares, and her step-children one share. Warulinga.

The first wife having died, the widower takes a second wife and dies leaving issue by the second marriage. The property acquired during the second marriage shall be divided into eight shares: the second wife shall get five shares, her children by the marriage two shares, and her step-children one share. Dhammasāra.

The property of the former marriage shall be divided into four shares: the children of that marriage shall get three shares, and those of the second one share.

[Substantially the same as Vilāsa except that only three shares are given to the second wife out of the property acquired jointly during the second marriage.] Kyetyo.

#### SECTION 230

##### PARTITION AMONG THE STEP-FATHER, HIS STEP-CHILDREN, AND HIS OWN CHILDREN

The father having died, the mother marries again and dies leaving issue also by the second marriage. The property acquired while with the former husband shall be divided into four shares: her children by the former husband shall get three shares and their step-father one share. The property acquired during the second marriage shall be divided into eight shares: the children of the former marriage shall get one share, those of the second two shares, and the second husband five shares. Mano.

If there is issue by the second marriage, the property shall be divided into eight shares: the second husband shall get five shares, his children by the marriage two shares, and his step-children one share. Mānussaka.

After the death of the mother, the rule of partition of the property acquired during her second marriage among the children by her first and second husbands, and the second husband is, *mutatis mutandis*, the same as that applicable after the death of the father,

among the children by his first and second wives, and the second wife, the property being divided, as in the latter case into eight shares, [*vide* section 229.]

**Vilāsa.** The father having died, the mother marries again and dies leaving issue also by the second marriage.

If the property brought by the mother to the second marriage is exhausted, let it be so. If not, the residue shall be divided into five shares : her children by her former husband shall get three shares, and the step-father two shares.

As regards the property acquired during the second marriage, the children of the former marriage shall get one share, those of the second two shares, and the second husband five shares.

**Kungya.** [The same as Kungya in section 229.]

**Kaingza.** [The same as Mano.]

**Yazathat.** [The same as Yazathat in section 229.]

**Myingun.** [Substantially the same as Vilāsa except that the step-father receives only one share instead of two shares, out of the property brought by his deceased wife to her second marriage.]

**Dhamma-thatkyaw.** The father having died, the mother marries again and dies leaving issue also by the second marriage.

If the property brought by the mother to the second marriage is exhausted, no claim shall be preferred against the step-father. If it is not exhausted, the residue shall be divided into three shares : the children by the first husband shall get two shares and their step-father one share. As regards the property acquired during the second marriage, the second husband shall get five shares, his children by the marriage two shares, and his step-children one share.

**Ditto.** [Substantially the same as Mano.]

**Kandaw.** [Substantially the same as Mano.]

**Tejo.** [The same as Mano.]

**Vappa-dhamma.** [The same as Mano.]

**Vappanā.** [Substantially the same as Vilāsa except that the step-father receives only one share instead of two shares, out of the property brought by his deceased wife to her second marriage.]

**Manuyin.** The father having died, the mother takes a second husband and dies leaving issue by the second marriage ; the rule of partition is,

*mutatis mutandis*, the same as in the case cited in the first extract from Manuṣya in section 229.

The first husband having died, the widow takes a second husband. **Rāsi.** On the death of the widow, the rule of partition between her children by the first husband and their step-father is, *mutatis mutandis*, the same as in the case cited in the first extract from Rāsi in section 229.

The first husband having died, the widow takes a second husband. **Ditto.** On the death of the widow, the rule of partition between her children by the first husband and her second husband is, *mutatis mutandis*, the same as in the case cited in the second extract from Rāsi in section 229.

The father having died, the mother takes a second husband and dies. The property brought by her to the second marriage shall be divided into four shares her children by the first husband shall get three shares and their step-father one share. The property acquired during the second marriage shall be divided into eight shares : the children by the first husband shall get one share, those by the second two shares, and the second husband five shares. Therefore the Dhammathat-linga says “ထသေခွဲတည်း၊ လိုက်၊ မိခင်က..... ..ဝေခါကြည့်ရှုသင့်အောင်ပြုစေမှ။” [The meaning of the quotation is the same as the above rule.] **Ditto.**

The father having died, the mother takes a second husband and dies, leaving issue by the second marriage : partition of property acquired during the second marriage among the children of the first and second marriages and the second husband, shall be made as follows:— **Vinicchaya.**

The property shall be divided into eight shares : the second husband shall get five shares, the children of the second marriage two shares and those of the first one share.

The father having died, the mother takes a second husband and dies, leaving issue by the second marriage. The rule cited in Vicchedant in section 229 shall, *mutatis mutandis*, apply here. **Vicchedant**

[The same as the first extract in section 229] **Rājabala.**

[The same as the second extract in section 229.] **Ditto.**

[The same as Pyu.] **Sōnda.**

If the mother predeceases the step-father, and if the latter does not bring any property to the marriage, the property brought by the mother to the marriage shall be divided into five shares, and her **Manu.**

children by the first husband shall get three shares. The remaining property shall again be divided into three shares: the step-father shall get one share and the children of the second marriage two shares.

The same rule of partition applies, *mutatis mutandis*, to the converse case where the father predeceases the step-mother who does not bring any property to the marriage.

Pāṇam. [Substantially the same as Mano.]

Dāyajja. The rule of partition between children of former and later marriages is as follows:—

Of the property acquired during the later marriage, the children of that marriage shall get two shares, those of the former marriage one share, and the second husband five shares.

The above rule applies to children born in lawful wedlock.

Ditto. The husband having died, the widow marries again and dies. The property shall be divided, *mutatis mutandis*, as in the case cited in the first extract from Dāyajja in section 229.

Ditto. The father having died, the mother marries again and dies. The estate shall be divided, *mutatis mutandis*, as in the case cited in the second extract from Dāyajja in section 229.

Warulinga. The rule of partition cited in Warulinga in section 229 shall apply, *mutatis mutandis*, to partition among the step-father, his children by the marriage and the step-children.

Dhamma-sāra. The father having died, the mother marries again and dies, leaving issue by the second marriage. The property acquired during the second marriage shall be divided into eight shares: the second husband shall get five shares, the children of the marriage two shares, and his step-children one share.

The unexhausted portion, if any, of property brought by the mother to the second marriage shall be divided into four shares: her children by the former marriage shall get three shares and their step-father one share.

Kyetyo. [Substantially the same as Vilāsa.]

#### SECTION 231.

#### PARTITION AMONG THE STEP-FATHER, A BASTARD CHILD BORN BEFORE MARRIAGE, AND HIS OWN CHILDREN.

Manuḡyē. The mother of a bastard son marries again with the approval of her parents and relatives, and has issue by the marriage. On her

death the law of partition between the bastard son and his step-father is as follows :—

The bastard is entitled to three-fourths of his mother's separate property and one-eighth of the property acquired during her marriage, provided that there is no other heir who has, besides the issue of the marriage, a better birth-right than he.

A bastard's mother who has been excluded from inheritance contracts a marriage subsequently with the approval of her parents and relatives, and has issue by the marriage. Dāyajja.

On her death, her bastard son shall get three-fourths of her separate property, and the step-father the remaining one-fourth. As regards the property acquired during the marriage, the husband shall get five shares, the children of the marriage two shares, and the bastard son one share, provided that there is no other heir who has, besides the issue of the marriage, a better birth-right than he.

A distinction is drawn between separate and jointly acquired property because the children, though born of the same mother are by different fathers.

The mother of a bastard son contracts a marriage, and has issue by it. Cittara. On her death, her separate property shall be divided into four shares: the bastard son shall get three shares and the son of the marriage one share. The property acquired during the marriage shall be divided into six shares: the bastard son shall get one share and his step-father five shares.

The step-father's separate property shall be divided into four shares: the bastard son shall get one share, and his step-father three shares. The bastard son alone is entitled to any gift made to him by his mother's relatives.

#### SECTION 232.

A MAN HAS SONS BY THE FIRST AND SECOND MARRIAGES. ON THE DEATH OF THE SECOND WIFE HE MARRIES HER DAUGHTER BY A FORMER MARRIAGE AND DIES LEAVING ISSUE. PARTITION AMONG THE WIDOW, HER CHILDREN, AND THE SONS OF THE FIRST AND SECOND MARRIAGES.

On the death of a man, the rule of partition, among his sons by the first, second, and third marriages, and the third wife who is the daughter of the second wife by a former marriage, and whom he married on the death of the second wife, is as follows :— Dhamma.

The property brought by the deceased husband shall be divided into five shares: the son by the first wife shall get three shares,

and the sons by the second and third wives one share each. The property brought by the second wife shall also be divided into five shares : three shares shall be given to the third wife and her son, and one share each to the sons by the first and second wives.

As regards the property acquired during the second marriage, the offspring of that marriage shall get three shares, and those of the first and third marriages one share each. The property acquired during the last marriage shall be divided into eight shares : the widow shall get five shares, and her son two shares ; and the remaining one share shall be divided equally between the sons of the first and second marriages. Debts, if any, shall be liquidated in the same proportion.

**Manugyè.**

A man has sons by the first and second marriages. On the death of the second wife he marries her daughter by a former marriage, and dies leaving issue. The rule of partition among the widow, her son, and the sons of the first and second marriages is as follows :—

The property brought by the deceased husband shall be divided into five shares . the son by the first wife shall get three shares, that by the second wife one share, and the widow and her son one share. The property brought by the second wife shall also be divided into five shares : the widow and her son shall get three shares, and the sons of the first and second marriages one share each. As regards the property acquired during the second marriage, the offspring of that marriage shall get three shares, the son of the first marriage one share, and the widow and her son also one share. The property acquired during the last marriage shall be divided into eight shares : the widow shall get five shares, and her son two shares ; and the remaining one share shall be divided equally between the sons of the first and second marriages. Debts, if any, shall be liquidated in the same proportion.

**Rājabala.**

[Substantially the same as Manugyè.]

**Dāyajja.**

A widower having a son marries a widow having a daughter. After the birth of a son, the wife dies and the husband marries his step-daughter : after the birth of a son, the husband dies. The rule of partition among the widow, her son, and the sons of the first and second marriages is as follows :—

The property brought by the second wife shall be divided into five shares : the widow shall get four shares and the offspring of the second marriage one share. The property brought by the husband shall also be divided into five shares : the son of the first marriage shall get four shares, and that of the second one share. (As regards the property acquired during the third marriage) the offspring

of that marriage shall get two shares, the widow five shares, and the sons of the deceased by his first and second marriages one share

[The same as Manugyè ]

Amwebôn.

A widower having a son marries a widow having a daughter After <sup>Cittara.</sup> having issue by the marriage the wife dies, and the husband marries his step-daughter. On the death of the husband leaving issue by the last marriage, the rule of partition is as follows:—

The property brought by the deceased husband shall be divided into five shares: his son by the first marriage shall get three shares, and the widow and her son one share each. The property brought by the second wife shall also be divided into five shares: one share each shall be given to her son by the second marriage and her step-son, and the remaining three shares shall be divided between the widow and her son.

The property acquired during the second marriage shall be divided into five shares: the offspring of that marriage shall get three shares, and the sons of the first and third marriages one share each.

The property acquired during the last marriage shall also be divided into five shares: the offspring of that marriage shall get three shares, and the sons of the deceased husband by his first and second marriages one share each.

Debts shall be liquidated in the same proportion.

A widow (having a son) marries a widower (also having a son) and dies leaving issue by the marriage. The husband marries a third time and dies leaving issue also by the third marriage. The property acquired during the second marriage shall be divided into six shares: the son of the husband by his first marriage, and the son of the wife by her first marriage, shall get one share each, the offspring of the last marriage shall get also one share, and the offspring of the second marriage shall get three shares.

Ditto.

The property brought by the husband to the third marriage shall be divided into six shares: his widow and her son shall get one share each, and his son by the second marriage four shares.

The property brought by the widow to the marriage shall be divided into five shares: she shall get four shares and her step-sons one share. As regards the property acquired during the marriage, the widow shall get one-half, and the other half shall be divided into four shares: three shares shall be taken by the sons of the former marriages of the deceased husband, and the remainder by the off-spring of the union.

Or it shall be divided into four shares, the step-mother being given three shares and the step-children one share,

## SECTION 233.

A WOMAN HAS SONS BY THE FIRST AND SECOND MARRIAGES. ON THE DEATH OF THE SECOND HUSBAND SHE MARRIES HIS SON BY A FORMER MARRIAGE, AND DIES LEAVING ISSUE. PARTITION AMONG THE WIDOWER, HIS CHILDREN, AND THE SONS OF THE FIRST AND SECOND MARRIAGES.

Rājabala.

[The rule of partition is, *mutatis mutandis*, the same as in the case cited in section 232.]

## SECTION 234.

A MAN HAVING A SON BY A FORMER MARRIAGE MARRIES A WOMAN ALSO HAVING A SON BY A FORMER MARRIAGE AND THEY HAVE A THIRD SON. THE WIFE DIES. PARTITION AMONG THE FATHER AND THE THREE SONS.

Dhamma

A man having a son by a former marriage marries a woman also having a son by a former marriage. After getting issue by the marriage, the wife dies. The property brought by her to the marriage shall be divided into four shares—her son by the former marriage shall get three shares and the stepfather one share. The property acquired during the marriage shall be divided into eight shares—the widower shall get five shares, the issue of the marriage two shares, and the sons by the former marriages one share.

If the husband who brings no property to the marriage predeceases the wife, the property brought by her to the marriage shall be divided into five shares, and her son by the former marriage shall get three shares; the remaining property shall be converted into three shares, and her step-son shall get one share and her son by the subsequent marriage two shares.

The last preceding rule of partition shall, *mutatis mutandis*, apply, if the wife predeceases the husband.

Manugyè.

[The same as Dhamma.]

Amwebôn.

[The same as Dhamma.]

Cittara.

[Substantially the same as Dhamma, but with the addition that debts, if any, shall be liquidated in the same proportion.]

## SECTION 235.

A WOMAN HAVING A SON BY A FORMER MARRIAGE MARRIES A MAN ALSO HAVING A SON BY A FORMER MARRIAGE, AND THEY HAVE A THIRD SON. THE HUSBAND DIES. PARTITION AMONG THE MOTHER AND THE THREE SONS.

Dhamma.

[The same as in section 234.]

Manugyè.

[The same as in section 234.]

The rule of partition among a widower, his own sons by the first Manu. and second marriages, and his step-son is as follows —

The property of the second wife shall be divided into four shares : her son by the former marriage shall get three shares and the widower one share. The property acquired during the second marriage shall be divided into nine shares the son of the husband by his former marriage and that of the wife by her former marriage shall get one share each the issue of that marriage two shares and the surviving husband five shares.

[The same as in section 234.]

Amwebôn.

[The same as in section 234.]

Cittara.

SECTION 236.

A WOMAN HAVING TWO DAUGHTERS BY A FORMER MARRIAGE MARRIES A MAN HAVING TWO SONS BY A FORMER MARRIAGE. TWO SONS ARE BORN TO THEM AND THE WIFE DIES. THE HUSBAND MARRIES ONE OF HIS STEP-DAUGHTERS, BY WHOM TWO MORE SONS AND TWO DAUGHTERS ARE BORN TO HIM. THE HUSBAND DIES, WHEN THE WIDOW MARRIES ONE OF HER STEP-BROTHERS AND TWO DAUGHTERS AND THREE SONS ARE BORN. SHE DIES. PARTITION AMONG THE SURVIVING FIFTEEN CHILDREN OF THE SEVERAL MARRIAGES.

The rule of partition in the case cited above is as follows:—

Yazathat.

The property brought by the woman shall be obtained by the children of her former marriage, and that brought by the man by the children of his former marriage. The property acquired during the marriage shall be divided into six shares one share shall be obtained by the children of the husband by his former marriage, one share by those of the wife by her former marriage, two shares by the children of the marriage, one share by the children born of the union between the step-father and step-daughter, and one share by those of the union between the step-daughter and step-brother.

The rule of partition in the case cited above is as follows:—

Vinicchaya.

The property brought by the woman shall be obtained by the daughters of her former marriage, and that brought by the man by the sons of his former marriage. The children of the marriage shall get the property acquired during the marriage. The children born of the union between the step-father and step-daughter shall get the property acquired during that marriage. The children born of the union between the step-brother and step-sister shall get the property acquired during that marriage.

Another rule is that the children born of the union between the step-brother and step-sister shall get one-third of the property (of their parents on the death of their mother.)

Manu-  
vapṇanā.

[The first part is the same as the first paragraph of Vinicchaya.]

Another rule of partition is given as follows :—

The property brought by the man shall be divided into six shares : his two step-daughters shall get one share, his children by one of the step-daughters (*i.e.*, his third wife) shall also get one share, and his two sons by the first wife four shares.

The property brought by the woman shall be divided into five shares : her two step-sons shall get one share and her two daughters by the former marriage four shares.

The property acquired during the marriage shall be divided into six shares : the two sons of the husband by the former marriage shall get one share, the two daughters of the wife by the former marriage one share, and the children born of the union between the step-father and step-daughter also one share. The children of the marriage shall get three shares.

As regards property acquired during the marriage of the step-father and step-daughter, the latter shall get one-half ; the remaining half shall be divided into four shares and the former's children by the step-daughter shall get one share, and those by her mother (*i.e.*, the second wife) shall get three shares.

The property acquired during the marriage of the step-brother and step-sister shall be divided into four shares : the step-sister shall get three shares, and her children by the step-father one share.

Pakāsañ.

The rule of partition in the case cited above is as follows :—

The property brought by the woman shall be obtained by the daughters of her former marriage, and that brought by the man by the sons of his former marriage.

The children of the marriage shall get the jointly acquired property. The children born of the union between the step-father and step-daughter shall get the property acquired during that marriage. But the children born of the union between the step-brother and step-sister shall get only one-third of their parents' property.

Dhamm-  
asāra.

A woman having children by a former marriage marries a man also having children by a former marriage. After children are born to them the wife dies. The husband marries one of his step-daughters by whom also children are born to him. The husband dies, when the widow marries one of her step-brothers and they have

issue. She dies. The rule of partition among the survivors is as follows.—

The property brought by the woman shall be obtained by her children of the former marriage, and that brought by the man shall be obtained by his children of the former marriage. The children born of the union between the step-father and step-daughter shall get the property brought by their parents to the marriage. And the children born of the union between the step-brother and step-sister shall get the property brought by their parents to the marriage.

## CHAPTER XI.

### PARTITION BETWEEN CHILDREN OF THE SAME PARENTS AND THEIR STEP-BROTHERS OR STEP-SISTERS.

#### SECTION 237.

#### PARTITION BETWEEN SONS OF THE SAME PARENTS AND THEIR STEP-BROTHERS.

On the death of the mother the father marries again. Both father and step-mother die leaving offspring by the second marriage. The rule of partition between the children of the two marriages is as follows:—

The children of the first marriage are entitled to their mother's separate property, and those of the second marriage, their mother's separate property.

Out of the property acquired jointly a portion shall be set apart for the performance of works of merit. The remainder shall be divided into three shares: the children of the second marriage shall receive two shares and those of the first marriage one share. The reason why the former gets two shares is because they inherit through both parents; and the latter receives one share only because they inherit through the father alone.

The children of the first husband shall take the separate property of their father, and those of the second husband that of their father. Ditto.

[Substantially the same as the preceding extract but with the addition that the children of one father shall not inherit the property to which the children of the other father is entitled.] Ditto.

**Mānussika.** On the death of the mother the father marries again. Both father and step-mother die leaving offspring by the second marriage. The rule of partition between the children of the two marriages is as follows :—

The children of the first marriage are entitled to their mother's separate property, and those of the second marriage to their mother's separate property. Out of the property acquired jointly a portion shall be set apart for the performance of works of merit. The remainder shall be divided into three shares : the children of the second marriage shall receive two shares and those of the first marriage one share.

The same rule applies, *mutatis mutandis*, to partition between children of the same mother, but of different fathers.

**Pyu.** The property acquired during a subsequent marriage shall be divided into four shares : the children of the marriage shall receive three shares, and the children of the wife by a former husband one share.

**Kaingza.** [Substantially the same as Mano except that the following reason is given instead.]

The reason why the children of the second wife receives two shares is because they inherit through both parents ; and the children of the former marriage receives only one share because they succeed to their father's office in addition.

**Myingun.** On the death of the father, the mother marries again. Both mother and step-father die leaving offspring by the second marriage. The rule of partition between the children of the two marriages is as follows :—

The children of the first marriage shall take the property existing before the second marriage, and those of the second marriage, the property brought by their father to it. As regards property acquired jointly, a portion shall be set apart for the performance of works of merit. The remainder shall be divided into three shares : the children of the second marriage shall receive two shares and those of the first marriage one share. The same rule applies, *mutatis mutandis*, to partition among children of the same father, but of different mothers.

**Dhamma-shakkyaw.** On the death of the father, the mother marries again. Both mother and step-father die leaving offspring by the second marriage. The children of the first marriage shall take the whole of the property taken by their mother to the second marriage. The children of the second marriage shall take the whole of the property brought by their father to the second marriage. The property

jointly acquired shall be divided into six shares the children of the first marriage shall take one share, and those of the second marriage shall take the remaining five shares because they are the children of the second husband (during whose lifetime property is acquired) The same rule applies, *mutatis mutandis*, to cases where, on the death of the mother, the father marries again, and both father and step-mother die leaving offspring by the second marriage.

On the death of the mother the father marries again The Dhamma. children live with their father and step-mother, help them in the acquisition of property and on their death perform the obseques.

The rule of partition between the children of the first and second marriages is as follows :—

The children of the first marriage shall take the property taken by their father to the second marriage. The children of the second marriage shall take the property brought by their mother to the second marriage. The property acquired jointly during the second marriage shall be divided into three shares the children of the first marriage shall receive one share, and those of the second marriage two shares Debts shall be liquidated in the same proportion

If there is no other property besides that brought by the father to the second marriage it shall be divided into four shares the children of the first marriage shall take three shares, and those of the second marriage one share

If, on the other hand, property was brought by the mother alone, then her own children shall receive three shares, and her step-children one share

If children are born (during the second marriage of a widow who Ditto. has children also by her first husband), the separate property of the mother and step-father shall be divided equally between the children of the first and second marriages Debts shall be liquidated similarly The property acquired during the second marriage shall be divided into three shares and the children of the first marriage shall take one share, and those of the second two shares

The hereditary estate brought by the step-father to the second marriage shall be inherited exclusively by the offspring of that marriage. But as regards the property inherited by him during the second marriage the children of that marriage shall share it with those of the first marriage

The rule of partition between the children of a man by his first Manugyā. and second marriages is as follows :—

The children of the first marriage shall have the property taken by their father to the second marriage, and those of the second marriage shall take the property brought by their mother to the marriage.

The property jointly acquired shall be divided into three shares: the children of the second marriage shall take two shares, and those of the first marriage one share. Debts shall be liquidated in the same proportion.

*Another rule.*—If there is no other property besides that taken by the father to the second marriage, it shall be divided into four shares: the children of the first marriage shall receive three shares, and those of the second one share.

If, on the other hand, the property was brought by the mother alone, then her own children shall receive three shares and her step-children one share.

*Another rule.*—The property taken by the father to the second marriage shall be divided into three shares: the children of the first marriage shall take two shares, and those of the second one share. The property acquired during the second marriage shall be divided also into three shares, and the former shall take one share, and the latter two shares. Debts shall be liquidated in the same proportion.

Kandaw, 1st  
and 2nd  
extracts.

[Substantially the same as Mānussika.]

Kandaw,  
3rd extract.

The children of the first and second husbands shall take the property of their respective fathers.

Tejo.

The rule of partition between the children of a woman by her first and second husbands is as follows:—

The children of the first husband shall take the property brought by him to the first marriage, and those of the second husband that brought by him to the second marriage. The same rule shall apply, *mutatis mutandis*, to cases of partition between the children of a man by his first and second wives.

Ditto.

[The same as Kaingza.]

Vaṇṇa-  
dhamma.

[Substantially the same as Kaingza.]

Vaṇṇā.

If either the wife or the husband alone has children by a former marriage, the rule of partition between such children and those of the subsequent marriage is, *mutatis mutandis*, the same as that among the children of the husband by a former wife, those of the wife by a former husband and those of the subsequent marriage; that is to say, the children of the former marriage shall take what their father or mother brought to the second marriage. The property jointly acquired during the second marriage shall be divided into three shares, and the children of the second marriage shall take two shares and those of the former marriage one share.

On the death of the father, the mother marries again. Both mother and step-father die leaving offspring of the marriage. The separate property of the first and second husbands shall be taken by their respective sons. The property jointly acquired during the second marriage shall be divided into four shares: one share shall be devoted to the performance of works of merit for the spiritual welfare of the deceased parents, the children of the second marriage shall take two shares, and those of the first marriage one share. Manuyin.

The first husband having died, the widow marries again. When she and her second husband die the children of the first husband shall take his separate property, and those of the second husband his separate property. The same rule applies, *mutatis mutandis*, to partition between the children of the first and second wives of a man. A portion of the property jointly acquired during the second marriage shall be set apart for the performance of works of merit. The remainder shall be divided into three shares: the children of the first marriage shall take one share and those of the second two shares. Rasi.

Therefore the Dhammathatlinga says, "ရှေးပါသားနှင့်နောက်သင်းသားများ ..... ထည့်စားထေ့။" [The meaning of this quotation is substantially the same as Myingun above.]

On the death of the mother, the father marries again, and both father and step-mother die leaving children of the marriage. The property jointly acquired during the second marriage shall be divided into four shares: the children of the first marriage shall take one share, and those of the second three shares. Vinicchaya.

On the death of the father the mother marries again. The rule of partition on the death of the mother and her second husband is as follows:— Ditto.

The children by her first husband shall take her separate property, and those by the second husband their father's separate property. The same rule applies to partition between the children of a man by his first and second wives.

A portion of the property jointly acquired during the second marriage shall be set apart for the performance of works of merit. The remainder shall be divided into three shares: the children of the first marriage shall take one share and those of the second two shares.

On the death of the mother the father marries again. Both father and step-mother die leaving offspring by the second marriage. Manu-  
vannanā.

The rule of partition between the children of the two marriages is as follows:—

The children of the first marriage shall take the whole of the property taken by their father to the second marriage, and those of the second marriage the whole of the property brought by their mother to that marriage.

Out of the property acquired jointly during the second marriage, a portion shall be set apart for works of merit. The remainder shall be divided into three shares: the children of the second marriage shall take two shares, and those of the first one share. The latter shall divide their share equitably among themselves.

The children of the second marriage receive two shares because they inherit through both parents, and those of the first marriage one share only because they inherit through the father alone.

Manu-  
vanṣana

[The same as the second extract from Mano.]

Pakāṣanī.

\* On the death of the mother, the father marries again, and he and his wife die leaving offspring of the marriage.

The property acquired during the second marriage shall be divided into four shares: the children of the second marriage shall receive three shares, and those of the first one share. The property taken by the father to the second marriage shall be divided into four shares: the children of the first marriage shall take three shares, and those of the second one share. The property brought by the step-mother to the marriage shall be divided similarly; and her own children shall take three shares, and her stepchildren one share.

Vicchedant.

On the death of the father and step-mother the estate shall be partitioned as follows:—

The property existing at the time of the father's first marriage shall be taken by the sons of that marriage. The property acquired during the second marriage shall be divided into four shares: one share shall be set apart for the performance of works of merit, the children of the second marriage shall take two shares, and those of the first one share.

Rājabala.

The rule of partition between children of former and later marriages is as follows:—

On the death of the mother, the father marries again, and he and his second wife die leaving a child of the subsequent marriage. The children of the former marriages shall take the property brought by their father or mother to the subsequent marriage. The property acquired during the second marriage shall be divided into

three shares: the child of the second marriage shall take two shares, and the children of the former marriages one share.

*Another rule.*—The whole estate consisting of the property brought by the husband and wife to the second marriage and that subsequently acquired shall be divided into three shares, and the child of the second marriage shall take one share, the child of the husband by a former wife, and the child of the wife by a former husband one share each. According to this rule of partition, it is immaterial whether there is only one or other of the two kinds of property.

*Another rule*—If there is only the property brought from the former marriage to the second marriage, the children of the former marriage shall receive three shares and the child of the second marriage one share. If on the other hand there is only property acquired during the second marriage and no property from the former marriages was brought to the second, the child of the second marriage shall receive three shares, and the children of the former marriages one share.

In this rule, partition is made according as there is only one or other of the two kinds of property. But this mode of apportioning the shares may be applied in cases where there are both kinds of property.

The rule of partition cited above shall apply, *mutatis mutandis*, Rājabala, to cases of partition where on the death of the father the mother marries again, and both she and her second husband die leaving children of the marriage, as well as children of the former marriages.

[The same as Pyu]

Sōnda.

On the death of the mother the father marries again, and both father and step-mother die leaving children of the second marriage. The estate shall be divided according to the rules of the Dhammathats between the children of the former and later marriages. The property acquired jointly during the second marriage shall be divided into three shares: the children of the second marriage shall take two shares, and those of the first marriage one share. Debts shall be liquidated in the same proportion. If there is neither jointly acquired property nor property brought by the step-mother, but only that brought by the father to the second marriage, the children by the first wife shall receive three shares, and those by the second wife one share. If, on the other hand, there is only property brought by the step-mother to the second marriage, her own children of the marriage shall receive three shares, and her step-children one share.

Pāṇam.

[Substantially the same as the second extract from Mano.]

Dhamma-  
sāra.

The first wife having died, the widower marries again; on the death of the father and step-mother, the rule of partition between the children by his first and second wives is as follows:—

The children by the first wife shall take the property taken by their father to the second marriage. The children by the second wife shall take the property brought by their mother to the second marriage. The property jointly acquired during the second marriage shall be divided into five shares: the children of the first marriage shall take one share, and those of the second four shares, although the father may have brought very little property to the second marriage.

Ditto.

On the death of the mother the father marries again, and both father and step-mother die leaving children by the second marriage. The children of the first marriage shall take the property taken by their father to the second marriage; and those of the second marriage, that brought by the step-mother to the second marriage. The property jointly acquired during the second marriage shall be divided into three shares, and the children of the second marriage shall take two shares, and those of the first one share.

*Another rule.*—Should the property brought by the step-mother to the second marriage be small, the property jointly acquired shall be divided into five shares: the children of the first marriage shall take one share, and those of the second four shares.

Amwebôn.

[The same as Manugyè.]

Cittara.

A widower with children marries again and has offspring by the second wife. The rule of partition between the children by the first and second wives is as follows:—

The children by the first wife shall take the property brought by the father to the second marriage; and those by the second wife the property brought by her to the marriage. In the event of there being no property acquired during the second marriage, the property brought by the father shall be divided into four shares: the children by the first wife shall take three shares, and those by the second wife one share. If, on the other hand, the father does not bring any property but his second wife does, it shall be divided similarly, her own children taking three shares, and those by the first wife one share.

*Another rule.*—The property brought by the father and step-mother to the second marriage shall be divided into three shares: the children of the former marriage shall take two shares, and

those of the second one share. The property jointly acquired shall be divided into three shares, and the children of the second marriage shall take two shares, and those of the first one share.

The rule of partition between the children of the first and second *Cittara* wives is as follows:—

The father's hereditary estate shall be divided into four shares: the children by the first wife shall receive three shares, and those by the second one share.

If there are children of the subsequent marriage, they shall *Kyetyo* receive two shares out of the property acquired jointly during the marriage, and the children of the husband by a former wife, one share. The latter are given one share only because they derive their right to the property through the father alone. The children of the second marriage are given two shares because their mother acquired the property with the object of benefiting her own children. Besides, the father who enjoys their company day and night has naturally greater affection for them.

On the death of the father the mother marries again, and both *Ditta* mother and step-father die leaving children of the marriage. The rule of partition between the children of the first and second husbands is as follows:—

The children by the first husband shall take the unexpended portion of the property which their mother brought to the second marriage, and those by the second husband the unexhausted portion of the property brought by their father to the second marriage.

The property acquired jointly during the second marriage shall be divided into three shares: the children of the second marriage shall take two shares because they inherit through both parents, and those of the first marriage one share.

A couple own separate property as well as jointly acquired *Kyannet* property. On the death of the wife the husband marries again but takes no property to the second marriage. The man and his second wife die leaving a son of the marriage. The daughter by the first wife shall receive her mother's separate property. Of the property acquired during the first marriage, the daughter by the first wife shall take two shares and the son by the second wife one share. The father's separate property shall be divided equally between the two children. If any property is taken by the widower to the second marriage, the offspring of that marriage shall, if a girl, receive one-fourth of it. In the event of the offspring of the first marriage being a boy, the offspring of the second marriage shall, if a boy, receive one-sixth, and if a girl, one-eighth of it.

## SECTION 238.

A MAN HAVING A SON BY A FORMER MARRIAGE MARRIES A WOMAN ALSO HAVING A SON BY A FORMER MARRIAGE. A THIRD SON IS BORN TO THEM: PARTITION AMONG THE THREE SONS.

**Mano.** On the death of a couple leaving a son of the union, a son of the husband by a former wife, and a son of the wife by a former husband, the rule of partition among the three sons is as follows:—

The two sons of the former marriages shall receive a share each, and the third son, the offspring of the subsequent marriage, ~~six~~ shares.

**Mānussika.** A man with children marries a woman also with children, and more children are born to them. The rule of partition on the death of the parents is as follows:—

The property brought by the husband to the subsequent marriage shall be taken by his children by a former wife, and that brought by the wife shall be taken by her children by a former husband. The property acquired jointly during the subsequent marriage shall be taken by the offspring of that marriage. If there is no property brought by the husband and wife to the subsequent marriage, but there is only that jointly acquired by them, it shall be divided into five shares: the children of the marriage shall receive three shares, and those of the husband by a former wife and those of the wife by a former husband one share each.

**Pyu.** The husband has a son by a former wife and the wife has a son by a former husband, and they have a third son, the offspring of their marriage. On their death, the property brought by the father to the subsequent marriage shall be inherited by his son by the former wife, and that brought by the mother shall be inherited by her son by the former husband. The son of the subsequent marriage shall inherit the property acquired during that marriage.

**Ditto.** A man with a son by a former wife marries a woman also with a son by a former husband, and a son is born to them. The son last mentioned shall receive the property acquired during the subsequent marriage.

**Ditto.** The husband and wife have each children by a former marriage. The whole of the property acquired during the former marriage of the husband or of the wife shall revert to his or her children of that marriage. The children of the subsequent marriage shall have no claim to such property even in the case of the death of one of the rightful heirs. They shall receive the property acquired during the subsequent marriage.

A man with a son by a former wife marries a woman also with a *Vilasa* son by a former husband, and they have a third son. On their death, the son of the husband by a former wife shall take the property taken by his father to the subsequent marriage, and the son of the wife by a former husband shall take that brought by his mother to the subsequent marriage. The property acquired during the subsequent marriage shall be inherited by the offspring of that marriage. But if the amount of such property is considerably large, the two sons of the former marriages shall take a share each and the son of the subsequent marriage three shares. Liquidation of debts is governed by the same rule as the allotment of property and division of shares. The second husband should not be held liable for debts contracted by the former husband, and the second wife should not be held responsible for debts contracted by the former wife. It is the duty of the son who inherits the property acquired during any marriage to also discharge any liability contracted in the meantime.

A man with a son by a former wife marries a woman also with a *Ditto* son by a former husband, and they have a third son. On their death the rule of partition is as follows:—

The son of the man by a former wife shall take the unexpended portion of the property taken by his father to the subsequent marriage, and the son of the woman by a former husband shall take the unexpended portion of the property brought by his mother to the subsequent marriage.

As regards property acquired jointly during the subsequent marriage, the two sons of the former marriages shall receive one share each, and the son of the subsequent marriage two shares.

O great king! the rule of partition between children of former *Waru*. and later marriages is as follows:—

The children of the wife by a former husband shall take the property brought by their own father to his marriage; and the children of the husband by a former wife shall take the property brought by their own mother to her marriage. The property acquired jointly during the subsequent marriage shall be divided into four shares and the children of the former marriages shall take one share each, and the children of the subsequent marriage two shares. In case no property is acquired during the subsequent marriage, the children by the former husband and those by the former wife shall give one-fifth of their respective shares to the offspring of the subsequent union.

A man having a son by a former wife marries a woman also *Kungya*. having a son by a former husband, and they have a third son by the

marriage. The rule of partition among the three sons on the death of the parents is as follows :—

The son of the husband by a former wife shall take the whole of the property brought by his father to the second marriage and shall liquidate all debts contracted prior to it. The son of the wife by a former husband shall take the whole of the property taken by his mother to the second marriage and shall liquidate all debts contracted prior to it. The property acquired during the subsequent marriage shall be divided into five shares : the two sons of the former marriages shall take a share each, and the son of the second marriage shall take three shares. Debts shall be liquidated in the same proportion.

The same rule is laid down in the following Dhammathats, namely, Manu, Mano, Dhammavilâsa and Mânussika.

Yazathat.

On the death of the husband and wife, the children of the husband by a former wife shall receive the whole of the property taken by their father to the second marriage, and those of the wife by a former husband shall receive that taken by their mother to that marriage. The property acquired jointly during the second marriage shall be divided into five shares : the children of the husband by his former wife shall take one share, those of the wife by her former husband one share, and those of the subsequent marriage three shares. Debts shall be liquidated in the same proportion. The above decision is in accordance with the Dhammathats.

§.  
Dhamma-  
thatkyaw.

A man having a son by a former wife marries a woman also having a son by a former husband, and they have a third son. On their death the rule of partition among the three sons is as follows :—

The son of the husband by a former wife shall receive the whole of the property taken by his father to the subsequent marriage, and the son of the wife by a former husband shall receive that taken by his mother to the subsequent marriage. The son of the subsequent marriage shall take the property acquired jointly during it. This rule applies when the property existing before and that acquired after the subsequent marriage are not much. If the amount of the property acquired during the subsequent marriage is considerably large it shall be divided into five shares : the son by a former wife shall take one share, the son by a former husband one share, and the son of the subsequent marriage three shares. Debts contracted by the husband or wife during the former marriage shall be liquidated by his or her son of that marriage, and those contracted during the subsequent marriage shall be liquidated by the offspring of that marriage. If the amount of debts contracted during the subsequent marriage is considerably large, the two sons of the former marriages

shall liquidate equally between them two-fifths of the debts. The son by a former wife shall not be held liable for his step-mother's debts, nor shall the son by a former husband be held liable for his step-father's debts ; such debts shall be liquidated by his or her son respectively of the former marriage.

If neither husband nor wife has a son by the former marriage, their son of the subsequent marriage shall liquidate all debts and inherit the entire estate.

There are two modes of partition among the son of the husband by a former wife, that of the wife by a former husband, and that of the subsequent marriage. The first shall take the property brought by his father to the subsequent marriage, the second that brought by his mother to the subsequent marriage, and the third that acquired jointly during the subsequent marriage. Debts shall be liquidated similarly. Dhamma.

If no property is brought to the subsequent marriage either by the husband or the wife, the property acquired jointly shall be divided into five shares : the son of the subsequent marriage shall take three shares, and the two sons of the former marriages shall take a share each out of the remaining two shares. Debts shall be liquidated similarly.

If no property is acquired during the subsequent marriage but there is property brought by the husband and wife from the former marriages to the subsequent marriage, it shall be divided into four shares : and the son of the subsequent marriage shall take one share, and the two sons of the former marriages three shares between them. Debts shall be liquidated in the same proportion.

If either the husband or the wife alone brought property to the second marriage, the property so brought and that acquired jointly shall be divided into five shares : the son of the parent who had brought the property shall take three shares, and the other two sons one share each. Debts shall be liquidated similarly.

There are two modes of partition among the son of the husband by a former wife, that of the wife by a former husband, and that of the subsequent marriage. The first shall take the property brought by his father to the subsequent marriage, the second that brought by his mother to the subsequent marriage, and the third that acquired jointly during the subsequent marriage. Debts shall be liquidated similarly. Manugyā.

If there is no property brought either by the husband or the wife, the property acquired jointly during the subsequent marriage shall be divided into five shares : the son of that marriage shall take three shares, and the two sons of the former marriages one share each. Debts shall be liquidated similarly.

If no property is acquired during the subsequent marriage, but the husband and wife both brought property to it, the son of the subsequent marriage shall be given a fourth of that property. Debts shall be treated similarly.

If again no property is acquired during the subsequent marriage, but either the husband or the wife alone brought property to it, such property shall be divided into five shares : the son of the parent who brought the property shall take three shares and the other two sons one share each. Debts shall be liquidated in the same proportion.

**Vannanā.** A man having a son by a former wife marries a woman also having a son by a former husband and they have a third son, the offspring of the marriage. On their death the son of the man by a former wife shall take the property brought by his father to the subsequent marriage, and the son of the woman by a former husband shall take that brought by his mother to the subsequent marriage. The third son shall take the property acquired jointly during that subsequent marriage. But if the amount of the jointly acquired property is considerably large, it shall be divided into five shares : the son of the former husband and of the former wife shall take a share each, and the remaining three shares shall be taken by the son of the subsequent marriage. Debts shall be liquidated similarly.

**Ditto.** A man having a son by a former wife marries a woman also having a son by a former husband, and they have a third son, the offspring of the marriage. On their death the rule of partition is as follows :—

The son of the man by a former wife shall take the property taken by his father to the subsequent marriage, and the son of the woman by a former husband that taken by his mother to the subsequent marriage. As regards property acquired during the subsequent marriage, the two sons of the former marriages shall receive one share each and the son of the subsequent marriage three shares.

**Rāsl.** [Substantially the same as the first extract from Vannanā above.]

**Ditto.** [Substantially the same as Mānussika, but with the additional provision that debts shall be liquidated in the same proportion as the shares.]

**Vinicchaya.** The husband has children by a former wife and the wife also has children by a former husband, and they have children of the marriage. On their death, the property brought by the father to the subsequent marriage shall be taken by his children by a former wife, and that brought by the mother shall be taken by her children

by a former husband. The children of the subsequent marriage shall take the property acquired during that marriage.

[Substantially the same as the above extract, but with Vinicchaya, the addition that after the children have received their portion they shall divide it among themselves according to the rules already laid down.]

A widower with children marries a widow also with children and they have again children of the marriage. The property brought by the father and mother to the subsequent marriage shall be inherited by their respective children of the former marriages. That acquired during the subsequent marriage shall be inherited by the children of that marriage. If no property whatever was brought to the subsequent marriage, the property acquired jointly during it shall be divided into five shares : the children of the father by a former wife shall take one share, those of the mother by a former husband one share, and those of the subsequent marriage three shares. If no property is acquired during the subsequent marriage, the property brought by the widower and that brought by the widow shall each be divided into five shares, and a share from each shall be given to the children of the subsequent union ; the remainder shall be inherited by the respective children of the widow and widower by their former marriages

Ditto.

The above rule refers to unmarried children living together.

If the amount of property brought by the husband and wife to the subsequent marriage is small, and that acquired during it is large, the whole of the property shall be divided into five shares. the son of the husband by a former wife shall take one share, the son of the wife by a former husband one share, and the son of the subsequent marriage three shares, as he inherits through both parents. If no property is acquired during the subsequent marriage, the property brought by the husband and that brought by the wife to the subsequent marriage shall each be divided into five shares, and the son of the subsequent marriage shall take a share from each. The remaining four shares shall be inherited by the son by a former marriage of the respective owner. This rule refers to children living together.

Manu-  
vaṅṇaṇa.

[Substantially the same as Pyu.]

PAKĀSANI.

[Substantially the same as Pyu.]

Ditto.

[Substantially the same as the second extract from Vilāsa, except that it stipulates that a portion should first be set apart for the performance of works of merit before the property jointly acquired is divided into four shares.]

Ditto.

A man having children by a former wife marries a woman also having children by a former husband. After other children are born they both die. The rule of partition among the children of the former and later marriages is as follows :—

If no property was brought by the parents to the subsequent marriage, that acquired during it shall be divided into five shares, and the children of the former marriage shall receive one share, and the children of the subsequent marriage four shares. If no property was acquired during the subsequent marriage, that brought by the father and that brought by the mother shall each be divided into five shares, and one share from each shall be allotted to the children of the subsequent marriage. The remainder shall be inherited respectively by the children of the father by a former wife, and those of the mother by a former husband. Even should there be fifteen children of the subsequent marriage, they shall be reckoned as one child; and the portion allotted them shall be divided among them according to the usual rules of partition laid down for cases where there are several children of both sexes, and the number of shares to be divided each time shall be limited to twenty-five.

**Rājābala.**

• A man having a son by a former wife marries a woman also having a son by a former husband, and they have a third son. On their death the sons of the former marriage shall take the property which their respective parents brought to the subsequent marriage, and the son of the subsequent marriage shall take that acquired jointly during it. The rule applies when there are three separate lots of property.

*Another rule.*—The three lots of property shall each be divided into five shares which shall be apportioned as follows :—

As regards the property brought by the father, his son by a former wife shall take three shares, and the other two sons shall take one share each; as regards that brought by the mother, her son by a former husband shall take three shares, and the other two sons one share each; and as regards the property acquired jointly during the subsequent marriage, the son of that marriage shall take three shares, and the other two sons one share each. In applying the above rule it is immaterial whether any one or two of the three lots be wanting. Partition shall be made of the property existing.

*Another rule.*—If no property was brought by both parents, the property acquired jointly during the subsequent marriage shall be divided into five shares, and the two sons of the former marriage shall take one share each. If, on the other hand, no property was acquired during the subsequent marriage, that brought by the father and that brought by the mother shall each be divided into four

shares, and one share from each shall be allotted to the son of the subsequent marriage. If nothing was brought by either parents the other two lots of property shall each be divided into five shares which shall be apportioned as follows :—

As regards the property brought to the subsequent marriage, the son of the parent who brought it shall take three shares, and the other two sons one share each ; and as regards the jointly acquired property, the son of the subsequent marriage shall take three shares, and the other two sons one share each. Debts, if any, shall be liquidated similarly. Thus has the rule been laid down by some eminent jurists. According to this rule, partition is made according as there is only one or other of the two kinds of property ; but the second rule cited above is the most equitable.

[The same as the first extract from Pyu.]

Sônda.

[The same as the second extract from Pyu.]

Ditto.

[The same as the third extract from Pyu.]

Ditto.

The rule of partition among the son of the husband by a former wife, the son of the wife by a former husband, and the son of the subsequent marriage is as follows —

The property brought by the husband or wife to the subsequent marriage shall be inherited by his or her son respectively. The son of the subsequent marriage shall take the property acquired jointly during that marriage.

*Another rule.*—The property acquired jointly during the subsequent marriage shall be divided into five shares : the son of the subsequent marriage shall take three shares and the two sons of the former marriage one share each. If no property was acquired during the subsequent marriage, the property brought by the husband and wife to it shall each be divided into four shares, and one share from each shall be allotted to the son of the subsequent marriage. If the wife did not bring any property and neither is there any property acquired during the subsequent marriage, but there is property brought by the husband ; or if, on the other hand, the husband did not bring any property and there is no property acquired during the subsequent marriage, but there is that brought by the wife ; then the property brought by either parent shall be divided into five shares : the son of the parent who brought the property shall take three shares, and the other two sons one share each. If, again, no property was brought by the husband and wife, but there is property acquired during the subsequent marriage, it shall also be divided into five shares, and the son of the subsequent marriage shall take three shares, and the other two sons one share each.

Pāṇāh.

[Substantially the same as the first extract from Pyu]

Ditto.

The rule of partition among the son of the husband by a former wife, the son of the wife by a former husband, and the son of the subsequent marriage is as follows —

If no property was acquired during the subsequent marriage, the property brought by the husband and wife to it shall each be divided into five shares, and one share from each shall be allotted to the son of the subsequent marriage, and the remainder shall be taken by the son of the former marriage

Ditto.

The rule of partition among the son of the husband by a former wife, the son of the wife by a former husband, and the son of the subsequent marriage is as follows:—

If there is a considerable quantity of the property acquired during the subsequent marriage, it shall be divided into five shares, and the two sons of the former marriage shall each take one share, and the son of the subsequent marriage three shares.

Ditto.

*Another rule.*—On the death of the parents, the two sons of the former marriage shall each take what his father or mother brought to the subsequent marriage. The property acquired jointly during the subsequent marriage shall be divided into three shares, and the two sons of the former marriage shall receive one share between them, and the son of the subsequent marriage two shares.

Wagulinga.

[Substantially the same as Waru]

Dhamma-  
sāra.

The rule of partition on the death of the parents among the son of the father by a former wife, the son of the mother by a former husband, and the son of the subsequent marriage is as follows:—

The two sons of the former marriages shall each take the property brought by his father or mother to the subsequent marriage. The property acquired jointly during the subsequent marriage shall be inherited by the son of that marriage.

If no property was brought by either parent, the property acquired jointly shall be divided into five shares: the two sons of the former marriage shall each take one share, and the son of the subsequent marriage three shares. If no property was brought by either of the parents, the unexpended portion of that brought by the other shall be divided into five shares, and his or her son shall receive three shares, and the other two sons one share each.

Ditto.

A man having a son by a former wife marries a woman also having a son by a former husband, and they have a third son. The rule of partition among the three sons on the death of the parents is as follows:—

If the wife brought nothing, and there is no property acquired during the subsequent marriage, but there is property brought by the husband alone, then it shall be divided into ten shares, and his son by a former wife shall take eight shares, and the other two sons one share each. If the property was brought by the wife alone, the same rule of partition shall, *mutatis mutandis*, apply. If the couple did not bring any property, that acquired during the subsequent marriage shall be divided into five shares, and the son of the subsequent marriage shall take three shares, and the other two sons one share each.

The rule of partition of the property brought to the marriage by the husband and wife, among the son of the husband by a former wife, the son of the wife by a former husband, and their son by the marriage is as follows —

Dhamma-  
sāra.

On the death of the husband and wife leaving no property acquired jointly during the marriage, but only such as was brought by them to it, the property brought by the husband shall be divided into five shares: his son by a former wife shall receive four shares, and the son of the subsequent marriage one share; that brought by the wife shall also be divided into five shares: her son by the former husband shall receive four shares, and the son of the subsequent marriage one share.

[The same as Manugyè.]

Amwebôn.

On the death of the parents, the rule of partition among the son of the father by a former wife, the son of the mother by a former husband, and their son by the subsequent marriage is as follows:—

The two sons of the former marriage shall each take the property brought by his father or mother to the subsequent marriage; the property acquired during it shall be inherited by the son of that marriage. If no property was brought by the father and mother, the property jointly acquired shall be divided into five shares: the son of the subsequent marriage shall take three shares, and the two sons of the former marriages one share each. Debts, if any, shall be liquidated in the same proportion. If there is only the property brought by either of the parents, it shall be divided into four shares, and one share shall be given to the son of the subsequent marriage.

*Another rule.*—If there are property brought by both parents and that acquired during the subsequent marriage, the three classes of property shall each be divided into five shares; and as regards the property brought by the father, his son by a former wife shall take three shares, and the other two sons one share each; as regards that brought by the mother, her son by a former husband shall take three

shares and the other two sons one share each ; and lastly as regards that acquired jointly during the subsequent marriage, the son of that marriage shall take three shares, and the other two sons one share each. Debts shall be liquidated similarly.

Pānañ.	[Substantially the same as the first extract from Vilāsa.]
Kyetyo.	[Substantially the same as the first extract from Vilāsa.]
Ditto.	[Substantially the same as the second extract from Vilāsa.]

SECTION 239. [Omitted.]

SECTION 240. [Omitted.]

SECTION 241. [Omitted.]

SECTION 242. [Omitted.]

SECTION 243. [Omitted.]

SECTION 244.

A WOMAN, AFTER LIVING WITH A MAN OF HER PARENTS' CHOICE, SEPARATES FROM HIM, AND MARRIES ANOTHER WHILE PREGNANT. PARTITION BETWEEN THE SON OF THE FIRST HUSBAND AND THE SON OF THE SECOND.

**Manugyè.** A woman, after cohabiting with the man of her parents' choice, separates from him and marries another while pregnant : the rule of partition between the son of the first husband and that of the second is as follows :—

The clothes, ornaments, and hereditary office of the second husband shall be inherited by his son. The animate and inanimate property inherited by the second husband after his marriage shall be divided into three shares : the son of the first husband shall receive one share, and that of the second, two shares. The property acquired jointly shall be divided into five shares : the son of the second husband shall receive three shares, and that of the first, two shares. As regards the mother's inherited property, the two sons shall share equally. Debts, if any, shall be liquidated similarly.

**Rājabala.** A woman, after living with the man of her parents' choice, separates from him and marries another while pregnant. On the death

of both husband and wife, the rule of partition between the son of the first husband and that of the second is as follows:—

The clothes, ornaments, personal belongings and the hereditary office of the second husband shall be inherited by his son. The property acquired or inherited by the second husband after the death of the wife shall be divided into three shares, and his son shall receive two shares, and the son of the first husband one share. The property acquired jointly shall be divided into five shares, and the son of the second husband shall receive three shares, and that of the first, two shares.

A woman, after living with the man of her parents' choice, separates from him and marries another while pregnant. The rule of partition between the son of the first husband and that of the second is as follows:—

On the death of both husband and wife, the property given to the second husband by his parents and brought by him to the marriage shall be divided into three shares: his son shall receive two shares, and the son of the first husband one share. Three out of the five shares of the jointly acquired property shall be taken by the son of the second husband, while the remaining two shares go to the son of the first husband. The clothes, ornaments, personal property and the hereditary lands of the second husband shall be inherited by his son.

A woman, after living with the man of her parents' choice, separates from him while pregnant and marries another. The rule of partition between the son of the first husband and that of the second on the death of the parents is as follows:—

The son of the second husband shall take his father's hereditary lands and office. The property brought by the second husband to the subsequent marriage shall be divided into five shares: his son shall take three shares, and the son of the first husband two shares. The property brought by the mother to the second marriage shall be divided equally between the two sons.

A woman after living with the man of her parents' choice, separates from him and marries another while pregnant. The rule of partition between the son of the first husband and that of the second is as follows:—

The clothes, ornaments, and the hereditary office of the second husband shall be inherited by his son. The animate and inanimate property inherited by the second husband after the death of the wife shall be divided into three shares: the son of the first husband shall take one share, and the son of the second two shares. The property

acquired jointly shall be divided into five shares: the son of the second husband shall receive three shares, and the son of the first two shares. As regards the mother's inherited property, the two sons shall share it equally. Debts, if any, shall be liquidated similarly.

**Cittara.** A woman, after living with the man of her parents' choice, separates from him and marries another while pregnant. The rule of partition between the son of the first husband and that of the second is as follows :—

The son of the second husband shall succeed to his father's hereditary office. The property brought by the second husband shall be divided into three shares: his son shall receive two shares, and the son of the first husband one share. The property acquired jointly shall be divided into five shares: the son of the second husband shall receive three, and the son of the first two shares. Debts, if any, shall be liquidated similarly.

#### SECTION 245.

ON THE DEATH OF THE FIRST WIFE LEAVING A SON, THE WIDOWER MARRIES ANOTHER WIFE. THE SECOND WIFE DIES ALSO LEAVING A SON, AND THE WIDOWER MARRIES A THIRD WIFE AND GETS A SON. PARTITION AMONG THE THREE SONS.

**Kungya.** After the death of the first or chief wife a man marries four other wives in succession, one after the death of another, and has children by every wife. The rule of partition among the children of the several wives is as follows :—

The children of the chief wife shall take the property in the possession of their parents before the death of their mother. They shall likewise liquidate all debts contracted prior to her death. The children of the other wives shall take the property acquired during the life-time of their respective mothers, and shall also liquidate all debts then contracted. Accordingly, the property belonging to the chief wife shall not be conveyed to a lesser wife, nor shall the latter's property be conveyed to the former. Similarly one shall not be responsible for the debts contracted by another.

**Dhamma.** A man marries three wives in succession, one after the death of another, and has a son by each. The rule of partition among the three sons on the death of the father is as follows :—

The son of each mother shall succeed to her hereditary rights. The hereditary property of the father shall be divided into three shares: the son of the first wife shall receive two shares, and the two sons by the second and third wives shall receive the remaining share between them. Debts, if any, shall be liquidated similarly.

A man marries three wives in succession, one after the death of another, and has a son by each. On the death of the father and his third wife, the rule of partition among the three sons, no partition having been made previous to it, is as follows :—

Manuḡyā.

The son of each mother shall succeed to her hereditary rights. As regards the father's hereditary property, the statement, that if it is acquired during the first marriage, and taken to the subsequent marriages during which no property was acquired, it shall be reckoned as property belonging to the first marriage, and that the son of the first marriage shall take two shares, and the son of the subsequent marriage one share, refers to the case where there are only two wives and there is a son by each. In the present case, as the three sons are of the same father though by different mothers, the whole of the father's hereditary property shall be divided into four shares : the son of the first wife shall receive two shares, and the sons by the second and third wives one share each. Debts, if any, shall be liquidated similarly. The same rule shall, *mutatis mutandis*, apply if the father comes into the possession of the hereditary property while living with the second or with the third wife, or if debts are contracted then. Because, the wives are married in succession, one after the death of another, the husband dies last, and the husband and wife are heirs to each other. A son is given two shares out of the property acquired during his mother's lifetime, because he has the right to inherit the property through both parents.

A man marries three wives in succession, one after the death of another, and has a son by each. The rule of partition among the three sons on the death of the father and the third wife is as follows :—

Rājavalā.

The son of each mother shall succeed to her hereditary rights. All property other than hereditary property, acquired during the lifetime of each mother, shall be divided into four shares, and her son shall take two shares, and the son of each of the other two mothers one share each. According to other jurists such property should be divided into five shares.

A man marries three wives in succession, one after the death of another, and has a son by each. The rule of partition among the three sons is as follows :—

Manu.

The son of each mother shall inherit the property brought by his mother to her marriage. The property taken by the father from the first marriage to the subsequent marriages, shall be divided into four shares : the son of the first wife shall receive two shares, and the two sons by the second and third wives one share each. Only such property as was acquired during the lifetime of the first wife

and taken to the second and third marriages during which no profits accrued from it, shall be deemed the property belonging to the first marriage, and be subject to division as shown above.

Pānam.

A man marries three wives in succession, one after the death of another, and has a son by each. The rule of partition among the three sons is as follows:—

The son of each mother shall take her separate property. The property acquired jointly during the life-time of each mother shall be divided into four shares : her son shall receive two shares, and the sons of the other two mothers one share each.

Dāyajja.

[Substantially the same as Pānam.]

Amwebôn.

[The same as Manugyè ]

Cittara, 1st  
& and ex-  
tracts.

[Substantially the same as Pānam, but with the addition that debts, if any, shall be liquidated similarly.]

#### SECTION 246.

ON THE DEATH OF THE FIRST HUSBAND LEAVING A SON, THE WIDOW MARRIES ANOTHER HUSBAND. THE SECOND HUSBAND DIES ALSO LEAVING A SON, AND THE WIDOW MARRIES A THIRD HUSBAND AND GETS A SON. PARTITION AMONG THE THREE SONS.

Dharmma.

The rule of partition cited in section 245 shall, *mutatis mutandis*, apply to partition among three sons, one by each of the three husbands married in succession, one after the death of another.

Manugyè.

A woman marries three husbands in succession, one after the death of another, and has a son by each. On the death of the mother and her third husband, the rule of partition among the three sons, no partition having been made previous to it, is as follows:—

The son of each father shall succeed to his (father's) hereditary rights. Debts, if any, shall be liquidated similarly. As regards the mother's separate hereditary property, the statement that, if it is acquired during the first marriage and taken to the subsequent marriages during which no property was acquired, it shall be deemed the property belonging to the first marriage, and that the son of the first marriage shall take two shares, and the son of the subsequent marriage one share, refers to the case where there are only two husbands and there is a son by each. In the present case, as the three sons are of the same mother, though by different fathers, the whole of the mother's hereditary property shall be divided into four shares : the son of the first husband shall receive two shares, and the two sons by the second and third husbands one share each. Debts, if any, shall be liquidated similarly. The same rule shall

*mutatis mutandis*, apply if the mother comes into the possession of the hereditary property while living with the second or third husband, or if debts are contracted then. Because, the husbands are married in succession, one after the death of another, the wife dies last, and the husband and wife are heirs to each other. A son is given two shares out of the property acquired during his father's life-time, because he has the right to inherit the property through both parents.

The rule of partition cited in section 245 shall, *mutatis mutandis*, Dāyāja. apply to partition among three sons, one by each of the three husbands married in succession one after the death of another.

[The same as Manugyè.]

Amwebôn.

A woman marries three husbands in succession, one after the death of another, and has a son by each. The rule of partition among the three sons on the death of the parents is as follows:—

The son of each father shall take the property brought by his father to the marriage. The mother's separate property shall be divided equally among all the three sons. The property acquired jointly during the life-time of each father shall be divided into four shares: his son shall receive two shares, and the two sons of the other two fathers one share each. Debts if any, shall be liquidated similarly.

#### SECTION 247.

A MAN MARRIES A WOMAN, WHO HAS BEEN MARRIED BEFORE, I.E., A WIDOW OR A DIVORCÉE. HE IS COMPELLED BY HIS PARENTS TO DIVORCE HER AND TO MARRY A WOMAN OF THEIR CHOICE. PARTITION BETWEEN THE CHILDREN OF THE TWO MARRIAGES.

A man marries a widow or a divorcee, and a son is born; subsequently he is compelled by his parents to divorce her and is married to a woman of their choice, and another son is born. On the death of the father, both sons shall inherit his entire estate. The son by the first wife shall succeed to his father's hereditary office and lands, and personal belongings, because parents have no right of interference in their son's choice of a wife, and such right in the case of a daughter ceases after her first marriage.

A man marries a widow or a divorcee without his parents' knowledge and consent and has a son by her. Subsequently he is compelled by his parents to divorce her and to marry a woman of their choice, and he has a son also by her. The son by the

first wife is entitled to inherit, because his mother has been emancipated from parental control by her previous marriage. Even in the case where parental consent is necessary, the son of a woman who marries without such consent, is yet entitled to inherit his mother's property. The son by the second wife shall inherit according to the usual rules applicable to his case.

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#### SECTION 248.

A MAN IS GIVEN IN MARRIAGE A SECOND TIME BY HIS PARENTS AFTER HE HAS ALREADY MARRIED A WOMAN WITH HER PARENTS' CONSENT. THE SON OF THE FIRST MARRIAGE IS THE *ORASA*.

**Dāyāja.**

A man marries a woman with her parents' consent and has a son by her; subsequently he is given in marriage by his parents to another woman by whom he has another son. The question as to inheritance, and as to who of the two sons shall be the *orasa* is raised on the death of the father. The son of the first wife shall be the *orasa*, because the parents have no right of interference in their son's choice of a wife; it is only a social duty imposed on them to see that their sons marry those whom they approve. The second son is therefore not entitled to any share in the father's hereditary property. The first son shall take the clothes, ornaments, personal belongings and hereditary property of the father. The remainder shall then be divided equally between the two sons.

**Cittara.**

If the two sons of a man, one by a wife married with her parents' consent, and the other by another wife married with his parents' approval, contend as to who shall be the *orasa*, the former shall be deemed the *orasa* and be entitled to inherit the father's property, provided that the marriage of his mother was with the consent of her parents and prior to that of the latter's mother. Because, the father is like the rain, the mother like the soil, and the children like the produce, the quality and yield of which depend greatly on the nature and class of the soil. Therefore, if there is no vitiating circumstance on the part of the mother which would invalidate her marriage, her children enjoy full legal rights.

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#### SECTION 249.

A DAUGHTER IS GIVEN IN MARRIAGE BY THE MOTHER IN THE ABSENCE OF THE FATHER, WHO SUBSEQUENTLY REVOKES IT AND GIVES HER IN MARRIAGE TO ANOTHER MAN. PARTITION BETWEEN THE SONS OF THE TWO MARRIAGES.

**Dāyāja.**

A daughter is given in marriage by the mother during the father's absence. After the birth of a son the father returns, revokes the

union and gives her in marriage to another man with the consent of the mother. After the birth of a son by her second husband the daughter and her second husband as well as the former husband die. Each of the two sons shall take the property of his father and that acquired during the continuance of his father's marriage with the mother. They shall divide their mother's inheritance equally between them, and shall also have an equal right to inherit the property of their grand-parents. Each of them shall succeed to his respective father's hereditary office and lands which are not subject to partition and which if they belong to one father cannot be inherited by the son of the other.

A daughter is given in marriage by the mother during the father's <sup>Cittara.</sup> absence on a trading journey, and a son is born. The father on his return revokes the union and gives her in marriage to another man by whom she has another son. Of the two sons the latter alone is entitled to inherit the grand-parents' property, because when a daughter is given in marriage by the mother alone, the father has the right to revoke the marriage if he does not approve of it.

SECTION 250. [Omitted.]

SECTION 251. [Omitted.]

#### SECTION 252.

A WOMAN AFTER SEPARATING FROM THE HUSBAND OF HER PARENTS' CHOICE, MARRIES ANOTHER MAN. PARTITION BETWEEN THE CHILDREN OF THE TWO MARRIAGES.

A woman separates from the husband of her parents' choice after <sup>Dhamma.</sup> the birth of a son, and marries another man by whom she has another son. The rule of partition between the two sons is as follows:—

The second son shall succeed to the hereditary rights of his father. The animate and inanimate property inherited from the parents by the second husband after the marriage, shall be divided into three shares: his son shall receive two shares, and the step-son one share. The property acquired jointly during the second marriage shall be divided into five shares: the son of the second marriage shall receive three shares, and the son of the first marriage two shares. The mother's separate and inherited property shall be divided equally between them.

A woman separates from the husband of her parents' choice after <sup>Mānu.</sup> the birth of a son, and marries another man by whom she has another son. On the death of the parents, the son by the 'second'

husband shall succeed to his father's property. The property acquired by inheritance by the second husband after the death of the wife shall be divided into three shares: his own son shall receive two shares, and his step-son one share. The property acquired jointly during the second marriage shall be divided into five shares: the son of the second marriage shall receive three shares, and the son of the first marriage two shares. The mother's separate property shall be divided equally between the two sons. Even if there be ten sons the mother's separate property shall be divided equally among them all.

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SECTION 253.

PARTITION BETWEEN CHILDREN OF FORMER MARRIAGES.

**Pyu.** The husband and wife have no children by the union, but each of them has children by a former marriage. On their death the whole estate shall be divided equally between the children of their former marriages.

**Vilāsa.** [Substantially the same as Pyu, but with the additional provision that debts shall be liquidated similarly.]

**Waru.** [Substantially the same as Pyu.]

**Kaingza.** On the death of the mother and her second husband, the rule of partition between her son by her first husband, and the son of her second husband by a former wife is as follows:—

The former shall receive the property taken by the mother to the second marriage; and the latter the property brought by his father to the second marriage. The same rule shall, *mutatis mutandis*, apply to the case of partition between a man's son by his first wife, and the son of his second wife by her first husband.

**Ditto.** The children of the first husband shall take the separate property of their father, and those of the second husband that of the latter.

**Dhamma-thakya.** The husband and wife have no children by the marriage, but each of them has children by a former marriage. On their death the entire estate shall be divided equally between the children of their former marriages. Debts, if any, shall be liquidated similarly. If the husband or the wife alone has children by a former marriage, they shall inherit the entire estate and pay all debts if there are any.

**Tejo.** [Substantially the same as the second extract from Kaingza.]

**Vappa-dhamma.** [Substantially the same as the first extract from Kaingza.]

**Vappanā.** [Substantially the same as Vilāsa.]

The second husband shall not be required to liquidate the debts contracted by the first husband, nor shall the second wife be required to liquidate the debts contracted by the first wife. - Those who inherit the property of the first husband or of the first wife shall liquidate his or her debts. If there is no children of the subsequent marriage, the property acquired during that marriage shall be divided equally between the children of the former marriages. Debts, if any, shall be liquidated similarly.

Rāsi.

[The same as Pyu]

Sōnda.

On the death of a couple without issue by the marriage, the son of the wife or the husband by a former marriage shall inherit the property acquired during the subsequent marriage.

Pānāsi.

[Substantially the same as Waru.]

Warulinga.

[Substantially the same as the first extract from Kaingza.]

Ditto.

[Substantially the same as Vāṇsa.]

Cittara.

[Substantially the same as Pyu]

Kyetyo.

#### SECTION 254.

##### PARTITION BETWEEN BASTARD CHILDREN AND THOSE BORN IN WEDLOCK.

The rule of partition between a bastard and children born in wedlock is as follows —

Manugyā.

If the bastard's mother predeceases the husband to whom she was legally wedded subsequent to his or her birth, the whole of her property comes into the possession of the step-father by succession on the failure of the bastard to prefer a claim soon after the death of his or her mother. One-half of the mother's separate property shall be inherited exclusively by the children born in lawful wedlock. The other half shall be divided among all the children including the bastard according to seniority of age. One-half of the property acquired during the marriage shall be inherited exclusively by the children of the marriage, and the other half by all the children including the bastard according to seniority of age. Debts, if any, shall be liquidated similarly. The bastard shall not inherit the share of the mother's (deceased) co-heir, because he or she is like a lower animal, being the offspring of a chance or casual union. The children of lawful wedlock shall inherit their grand-parents' property, and shares shall be allotted according as their mother predeceases her parents or not. Debts, if any, shall be liquidated similarly.

The general rule that in case of partition on the death of the parent and step-parent between children of the previous marriage and those of the later, the former shall receive two-thirds of the property of the former marriage and one-third of that of the later marriage, and the latter one-third and two-thirds respectively of the two classes of property, applies only in cases of children born in lawful wedlock. It does not apply to bastard children. In the absence of children of lawful marriage, a bastard may inherit his or her parents' separate property and that acquired jointly by his mother and step-father, or father and step-mother; and he or she will also be liable for the debts if there are any. If a bastard's mother has no children born in lawful wedlock, the bastard shall not claim his or her mother's share of inheritance from her co-heirs, no matter whether she is alive or not.

**Manu.**

A bastard's mother subsequently marries a man and has children by him. On the death of the parents the rule of partition between the bastard and the children of the lawful marriage is as follows :—

One-half of the mother's separate property shall be inherited exclusively by the children of lawful wedlock. The other half shall be partitioned among all the children including the bastard according to the rules of the Dhammathats. The property acquired jointly shall also be divided similarly.

**Cittara.**

A bastard's mother subsequently marries a man and has children by him. On the death of the parents the rule of partition between the bastard and the children of the lawful marriage is as follows :—

One-half of the mother's separate property shall be inherited exclusively by the children of lawful wedlock. The other half shall be divided among all the children including the bastard according to seniority of age. The property acquired jointly during the marriage shall be divided equally among all the children. Debts shall be liquidated similarly.

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#### SECTION 255.

**A MAN HAVING A SON MARRIES A WOMAN HAVING A DAUGHTER, AND THE WIFE DIES LEAVING ISSUE BY THE MARRIAGE. THE HUSBAND MARRIES HIS STEP-DAUGHTER, AND BOTH DIE LEAVING ISSUE. PARTITION AMONG THE CHILDREN OF THE SEVERAL MARRIAGES.**

**Dhamma.**

A man having a son marries a woman having a daughter, and the wife dies leaving offspring by the marriage. The husband mar-

ries his step-daughter and both die leaving also offspring by the marriage. The rule of partition among the children of the several marriages is as follows :—

The property brought by the father to the second marriage shall be divided into five shares : his son by the first marriage shall take three shares, the son of the second marriage one share, and the step-daughter one share ; and in the event of her death her son by the step-father shall receive it. The property brought by the mother to the second marriage shall also be divided into five shares : her daughter by the first marriage shall receive three shares, the son of the second marriage one share, and her step-son one share. Debts, if any, shall be liquidated in the same proportion.

The property acquired during the second marriage shall be divided into five shares : the offspring of the second marriage shall receive three shares, the son of the husband by the first marriage one share, and the son of the step-daughter by the step-father one share. The property acquired during the marriage of the step-father and step-daughter shall also be divided into five shares, and the offspring of the marriage shall receive three shares, and the other two sons one share each.

A man having a son marries a woman having a daughter and the wife dies leaving offspring by the marriage. The husband marries his step-daughter and both die also leaving offspring by the marriage. The rule of partition among the children of the several marriages is as follows :—

The unexpended portion of the property brought by the father to the second marriage shall be divided into five shares : his son by the first marriage shall receive three shares, the son of the second marriage one share, and the son of the step-daughter by the step-father the remaining share, although such share is properly his mother's and she is dead ; for he is the representative of his mother. The unexpended portion of the mother's property shall likewise be divided into five shares : her son by the second marriage shall receive one share, her step-son one share, and the son of the step-daughter by the step-father three shares. A distinction has to be made in the property to be partitioned, because the children inheriting are by different mothers though of the same father ; the son of the step-daughter by the step-father, though related as grandson to his mother's mother and as nephew to her son, is yet of the same father as the last named, since his mother and grandmother are both his father's wives. Debts, if any, shall be liquidated in the same proportion. The property acquired jointly during the second marriage shall be divided into five shares : the son of that marriage shall take three shares, and the other two sons a share each. The

property acquired jointly during the marriage of the step-daughter and step-father shall likewise be divided into five shares, and their son by the marriage shall take three shares and the other two sons one share each. Debts, if any, shall be liquidated in the same proportion whether they are contracted during one or other of the marriages. So says Rishi Manu.

**Rājabala.** A man having a son marries a woman having a daughter and the wife dies leaving a son by the marriage. The husband marries his step-daughter and both die leaving also a son by the marriage. The rule of partition among the three sons by the different marriages is as follows.—

The property acquired during any one of the three marriages shall be divided into five shares: the son of the marriage during which the property was acquired shall receive three shares, and the other two sons one share each. It is immaterial whether property was acquired during all the marriages or not. Debts, if any, shall be liquidated similarly. The same rule shall, *mutatis mutandis*, apply in the similar case of the mother marrying her step-son.

**Manu.** [Substantially the same as Manugyè, except that there is no provision here for the liquidation of debts.]

**Pāṇaḥ.** [Substantially the same as Rājabala.]

**Dāyaji.** A man having a son marries a woman having a daughter, and the wife dies leaving a son by the marriage. The husband marries his step-daughter and dies leaving also a son. The rule of partition among the children of the several marriages is as follows:—

The property brought by the father to the second marriage shall be divided into five shares: his two sons by the first and second marriages shall receive three shares between them, his step-daughter who is also his wife one share, and his son by the step-daughter the remaining share. On the death of the step-daughter, the property brought by her mother to the second marriage shall likewise be divided into five shares: the mother's son by the second marriage shall receive three shares, her step-son one share, and the son of the step-daughter by the step-father the remaining share. Because, the children inheriting the property are of the same father though by different mothers, and because both mother and daughter are wives successively of the same man.

**Amwebōn.** A man having a son marries a woman having a daughter and the wife dies leaving offspring by the marriage. The husband marries his step-daughter and both die leaving also offspring by the marriage. The rule of partition among the children of the several marriages is as follows:—

The unexpended portion of the property brought by the father to the second marriage shall be divided into five shares his son by the first marriage shall receive three shares, the son of the second marriage one share, and the son of the step-daughter by the step-father the remaining share, although such share is properly his mother's and she is dead; for he is the representative of his mother. The unexpended portion of the mother's property shall also be divided into five shares her son by the second marriage shall receive three shares, her daughter and her step-son one share each. Such is the rule because the three sons are of the same father. A distinction has to be made in the property to be partitioned, because the children inheriting are by different mothers though of the same father; the son of the step-daughter by the step-father, though related as grandson to his mother's mother and as nephew to her son, is yet of the same father as the last named since his mother and grandmother are both his father's wives. Debts, if any, shall be liquidated in the same proportion.

The property acquired jointly during the second marriage shall be divided into five shares the son of that marriage shall take three shares, and the other two sons one share each. The property acquired jointly during the marriage of the step-daughter and step-father shall likewise be divided into five shares: their son by the marriage shall take three shares, and the other two sons one share each. Debts, if any, shall be liquidated in the same proportion whether they are contracted during one or other of the marriages. So says Rishi Manu.

A man having two sons marries a woman having two daughters, Cittara. and the wife dies leaving a son by the marriage. The husband marries one of the step-daughters and dies leaving issue by the marriage. The rule of partition of inheritance is as follows:—

The property brought by the mother to the second marriage shall be inherited by her daughters by her first marriage; that brought by the father to the same marriage by his two sons by the first marriage. The son of the second marriage shall receive the property acquired during it. The son of the incestuous union between step-daughter and step-father shall receive the property jointly acquired by them.

A man having a son marries a woman having a daughter, and the wife dies leaving offspring by the marriage. The husband marries his step-daughter and dies also leaving offspring by the marriage. The rule of partition among the children is as follows:—

The property brought by the father to the second marriage shall be divided into five shares: his son by the first marriage shall

Ditto.

receive three shares, his son by the second marriage one share, and his step-daughter and her son the remaining share. The property brought by the mother shall also be divided into five shares: her daughter by the first marriage and the daughter's son by the step-father shall receive three shares, her son by the second marriage, and her step-son one share each. The property acquired during the second marriage and taken without partition to the marriage of the step-father and step-daughter shall be divided into three shares: the son of the second marriage shall receive two shares, the son of the first marriage half a share, and the son of the step-daughter by the step-father half a share.

## CHAPTER XII.

### PARTITION BETWEEN GRANDPARENTS AND GRANDCHILDREN.

#### SECTION 256.

#### ON THE DEATH OF THE GRANDFATHER, PARTITION BETWEEN THE GRANDMOTHER AND HER GRANDCHILDREN WHOSE PARENTS SURVIVE THE GRANDFATHER.

**Yazathat.** Grandchildren whose parents pre-decease one of the grandparents shall receive only one-fourth of the share to which their parents were entitled. But this rule does not apply to grandchildren whose parents survive the grandparents. A gift made by grandparents, whether accompanied by delivery of possession or not, shall not, on the death of either of the grandparents, be revoked by the other. The grandchildren shall receive the property as it was given and it shall be their duty to maintain the donors. The above decision is in accordance with the Dhammathats.

**Vinicchaya.** Grandchildren whose parents have died, and those whose parents are still living, live with the grandparents, while the parents themselves live apart from them. On the death of the grandfather the grandchildren claim partition of inheritance. The former class of grandchildren shall receive one-fourth of the share to which their parents were entitled, while the latter class of grandchildren shall not as yet receive any share. A gift made by the grandparents to their grandchildren during the lifetime of the parents is valid as regards both classes of grandchildren, whether such gift has been accompanied by delivery of possession or not. The grandchildren shall in their turn maintain their grandparents. The same rule shall apply to the cases of partition on the death of the grandmother.

Grandchildren whose parents have died, and those whose parents are still living, live with the grandparents, while the parents themselves live apart from them. On the death of the grandfather the grandchildren claim partition of inheritance. The former class of grandchildren shall receive one-fourth of the share to which their parents were entitled, while the latter class of grandchildren shall not as yet receive any share. A gift, whether verbal or accompanied by delivery of possession, made by the grandparents to their grandchildren during the lifetime of the parents, is valid as regards both classes of grandchildren. The grandchildren shall in their turn support the grandparents. The same rule applies to cases of partition on the death of the grandmother. Pakāsani.

On the death of either of the grandparents, should the survivor desire to marry again, the grandchildren whose parents pre-decease one of the grandparents shall be given half the share to which their parents were entitled.

If, on the death of the grandmother, the grandfather marries again and dies, the property taken by the grandfather to the subsequent marriage shall be divided into twenty shares, and all the grandchildren shall receive one share, no distinction being made between grandchildren whose parents pre-decease, and those whose parents survive, the grandmother. Should the property acquired during the subsequent marriage be considerably large, the surviving wife of the grandfather ought to give a fair share of the property to the grandchildren, but they shall not claim it as their due. Grandchildren living apart from the grandparents shall have no claim whatever on the latter's estate left in the hands of their subsequent wife or husband.

The rule of partition between grandchildren and grandparents is Rājabala. as follows :—

On the death of either of the grandparents, the grandchildren whose parents pre-decease the grandparent shall receive a fourth of the share to which their parents were entitled. The grandchildren whose parents are still alive shall not as yet receive any share. A gift made by the grandparents to their grandchildren shall not be deemed invalid because it is unaccompanied by delivery of possession.

A gift made by grandparents to their grandchildren, whether or not accompanied by delivery of possession, shall not, on the death of either of the grandparents, be revoked by the survivor. Kungya-linga.

On the death of the grandfather, the grandchildren whose parents pre-decease the grandfather, as well as those whose parents survive him, claim partition of inheritance : the latter class of grandchildren shall not as yet receive any share. Dhammasāra.

Dhamma-  
sāra.

The term "amwehmi" (*literally* "to reach inheritance") is applied to grandchildren whose parents, surviving either both or one of the grandparents, have already received their share of inheritance. The term "amwe-ma-hmi" (*literally* "not to reach inheritance") is applied to grandchildren whose parents pre-decease the grandparents before receiving their share of inheritance. The terms are so defined in Vinicchaya.

## SECTION 257.

ON THE DEATH OF THE GRANDFATHER, PARTITION BETWEEN THE GRANDMOTHER AND HER GRANDCHILDREN WHOSE PARENTS PRE-DECEASE THE GRANDFATHER.

Yazathat.

[The same as in section 256.]

Vinicchaya.

[The same as in section 256.]

Pakāsani.

[The same as in section 256.]

Rājabala.

[The same as in section 256.]

Pāpazh.

Grandchildren shall not be liable to liquidate their grandparents' debts.

Dhamma-  
sāra.

६.

The grandchildren whose father pre-deceases his parents and has not yet received his share of inheritance, shall be given one-fourth of the share to which their father was entitled.

Kyannet.

A grandchild is adopted by the grandparents. On the death of the latter, the former shall not inherit the property of the deceased on the ground that he or she was adopted by them, because children are closer related to the ancestors than grandchildren. Grandchildren shall receive any property given them and delivered into their possession.

## SECTION 258.

ON THE DEATH OF THE GRANDMOTHER, PARTITION BETWEEN THE GRANDFATHER AND HIS GRANDCHILDREN WHOSE PARENTS SURVIVE THE GRANDMOTHER.

Yazathat.

[The same as in section 256.]

Vinicchaya.

[The same as in section 256.]

Pakāsani.

[The same as in section 256.]

Rājabala.

[The same as in section 256.]

Kungya-  
linga.

[The same as in section 256.]

Grandchildren shall have no right to claim inheritance from their **Dhamma-**  
grandfather if their parents survive the grandmother and have **sāra.**  
already received their share of inheritance.

SECTION 259.

ON THE DEATH OF THE GRANDMOTHER, PARTITION BETWEEN  
THE GRANDFATHER AND HIS GRANDCHILDREN WHOSE PA-  
RENTS PRE-DECEASE THE GRANDMOTHER

[The Same as in section 256.]	Yazathat.
[The same as in section 256.]	Vimicchaya.
[The same as in section 256]	Pakāsant.
[The same as in section 256]	Rājabala.
[The same as in section 257.]	Pānaṃ.

If a son dies during the life-time of his parents, his son is entitled **Dhamma-**  
to one-half of the share to which the deceased was entitled. A grand- **sāra.**  
child whose parents pre-decease one of the grandparents is entitled  
to receive only one-eighth of the property of their grandparents.

[The same as in section 257.] Kyannet.

SECTION 260.

THE GRANDFATHER BEING DEAD, PARTITION BETWEEN THE  
GRANDMOTHER AND HER GRANDCHILDREN ON HER MAR-  
RYING AGAIN.

If on the death of either of the grandparents the survivor **Yazathat.**  
chooses to marry again instead of living unmarried as he or she  
ought to, on the maintenance and support of the grandchildren,  
and if no partition has been previously made, the whole of the pro-  
perty other than the clothes and ornaments of the surviving grand-  
parent, shall be divided into five shares . the grandchildren shall  
receive three shares, and the grandparent two shares . If there has  
been partition, the grandchildren whose parents pre-decease the de-  
ceased grandparent shall receive one-fourth of the share to which  
their parents were entitled. The grandchildren whose parents sur-  
vive the deceased grandparent, having received their share of in-  
heritance, shall not receive any share from the surviving grand-  
parent. The grandparent is at liberty to expend the whole of the  
property taken by him or her to the subsequent marriage, in the  
support of his wife or her husband, as the case may be. If the  
grandchildren prefer a claim on the unexpended portion of such  
property on the death of their grandparent, it shall be divided into

five shares: the grandchildren shall receive four shares, and the grandparent's second wife or second husband one share. If the claim is deferred till after the death of the second wife or second husband, as the case may be, their right of participation in the property ceases and they shall have no claim on it. The above decision is in accordance with the Dhammathats.

**Vinicchaya.** When on the death of either of the grandparents, the survivor marries again, the grandchildren whose parents pre-decease the deceased grandparent, are entitled to receive one-half of the share to which their parents were entitled ; but the grandchildren whose parents survive the deceased grandparent are not entitled to receive any share.

**Kungyalinga.** If on the death of one of the grandparents, the survivor chooses to marry again instead of living unmarried on the maintenance and support of the grandchildren, the whole of the property, including the clothes and ornaments of the grandparents, shall be divided into five shares: the grandchildren shall receive three shares, and the grandparent two shares, provided that no partition has been previously made. If there has been partition, the grandchildren whose parents have already received their share of inheritance, shall not receive any share.

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#### SECTION 261.

THE GRANDMOTHER BEING DEAD, PARTITION BETWEEN THE GRANDFATHER AND HIS GRANDCHILDREN ON HIS MARRYING AGAIN.

**Yazathat.** [The same as in section 260.]

**Vinicchaya.** [The same as in section 260.]

**Kungyalinga.** [The same as in section 260.]

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#### SECTION 262.

ON THE DEATH OF THE GRANDPARENTS, WHEN THERE ARE NO CHILDREN LIVING, THE GRANDCHILDREN INHERIT.

**Mānussika.** On the death of the grandparents, when there are no children living, the grandchildren inherit.

**Pyu.** The grandchildren whose parents have died are entitled to inherit the property of the grandparents.

**Sōnda.** [The same as Pyu.]

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#### SECTION 263. [Omitted.]

## CHAPTER XIII.

PARTITION BETWEEN GRANDCHILDREN AND THEIR GRAND-  
FATHER'S SECOND WIFE OR GRANDMOTHER'S SECOND  
HUSBAND.

## SECTION 264.

ON THE DEATH OF THE GRANDMOTHER, PARTITION BETWEEN  
HER SECOND HUSBAND AND HER GRANDCHILDREN LIVING  
WITH HER.

[The same as in section 260.]

Yazathat.

Ditto.

If on the death of either of the grandparents, the survivor marries again, he or she is at liberty to expend the whole of the property taken to the subsequent marriage in maintaining the second spouse. On the death of the grandparent the unexpended portion of such property shall be divided into four shares: the grandchildren, whether their parents pre-decease or survive the grandparent who died first, shall receive three shares, and the grandparent's second spouse one share. As regards property acquired during the second marriage, it shall be divided into eight shares: the grandparent's second spouse shall receive seven shares, and the grandchildren one share.

On the death of the grandfather the grandmother marries again and dies. The rule of partition between her second husband and her grandchildren is as follows :—

Dhamma.

The property taken by the grandmother to the subsequent marriage shall be divided equally between her second husband and her grandchildren living with her. The property acquired during the subsequent marriage shall be divided into eight shares: the grandmother's second husband shall receive seven shares, and the grandchildren one share.

On the death of the grandfather the grandmother marries again and dies without issue by the second marriage. The rule of partition between her second husband and her grandchildren living with her is as follows :—

Manugyā.

The grandmother's *payin* property taken by her to the second marriage shall be divided equally between them. If the partition had been between step-father and step-son, the latter would receive three-fourths of his mother's *payin* property. Because, children are closer related to the ancestors than grandchildren. If there are any debts contracted before the subsequent marriage, they shall be liquidated in the same proportion. The property acquired during

the subsequent marriage shall be divided into eight shares : the grandmother's second husband shall receive seven shares, and her grandchildren one share.

**Vinicchaya.** If on the death of either of the grandparents, the grandchildren claim partition of inheritance from the surviving grandparent's second spouse, they shall receive one-twentieth of the property taken by their grandparent to the second marriage, whether their parents pre-decease or survive the grandparents, provided that they live with the grandparent. If the property left by the grandparent be considerably large, a fair portion of the grandparent's personal belongings shall also be given.

**Pakāsani.** [The same as in section 256.]

**Rājabala.** [Substantially the same as Manugyè.]

**Manu.** On the death of the grandfather the grandmother marries again and dies. The rule of partition between her second husband and her grandchildren is as follows :—

The property taken by the grandmother to the subsequent marriage shall be divided equally between them. The property acquired during the subsequent marriage shall be divided into eight shares, and one share shall be given to the grandchildren. Debts shall be liquidated in the same proportion.

**g. Pāpash.** [Substantially the same as Dhamma.]

**Kungyalinga.**

If, on the death of either of the grandparents, the survivor marries again, he or she is at liberty to expend the whole of the property taken to the subsequent marriage in the maintenance of the second spouse. On the death of the grandparent the unexhausted portion of such property shall be divided into five shares : the grandchildren shall receive four shares, and the grandparent's second spouse one share. If, however, the grandchildren delay preferring their claim to such unexhausted portion till after the death of the grandparent's second spouse, then their right of participation in the property ceases, and their claim shall be barred.

**Dāyajja.** While grandchildren and grandparents are living together the grandfather dies. The grandmother marries again taking with her to the subsequent marriage the grandchildren and the whole of the property. On the death of the grandmother, such property shall be divided equally between the grandchildren and the grandmother's second husband. The property acquired during the subsequent marriage shall be divided into eight shares : the grandchildren shall receive one share, and the grandmother's second husband seven shares.

On the death of the grandfather, the grandmother marries again and dies : her grandchildren claim partition of their grandparent's property from the grandmother's second husband. The property taken by the grandmother to the subsequent marriage shall be divided into five shares : the grandmother's second husband shall receive one share, and her grandchildren four shares. It is so ruled in the Mahayazathat. Dhamma-sāra.

On the death of either of the grandparents, the survivor marries again, but dies before long leaving property taken by him or her to the subsequent marriage as well as property acquired during it in the hands of the second spouse. If the grandchildren claim partition, the whole of the property brought to the subsequent marriage shall be divided into five shares : the grandparent's second spouse shall receive one share, and the grandchildren four shares. The property acquired during the subsequent marriage shall also be divided into five shares : the grandchildren shall receive one share, and the grandparent's second spouse four shares. So is it ruled in the Mahayazathat. Ditto.

[The same as Manugyè.]

Amwebôn.

[Substantially the same as Manugyè]

Cittara.

#### SECTION 265

ON THE DEATH OF THE GRANDFATHER, PARTITION BETWEEN HIS SECOND WIFE AND HIS GRANDCHILDREN LIVING WITH HIM.

[The same as in section 260]

Yazathat.

[The same as the second extract in section 264]

Ditto.

[The same as in section 264]

Vinichaya.

[The same as in section 264.]

Pakāsani.

[The same as in section 264.]

Kungya-  
linga

The grandmother having died, the grandfather marries again. On his death, his grandchildren claim partition of inheritance from his second wife. The whole of the property shall be divided into twenty shares, and one share shall be given to all the grandchildren, no distinction being made between those whose parents pre-decease and those whose parents survive the grandmother. The remainder shall be enjoyed by the grandfather's second wife. Dhamma-sāra.

The rule of partition between the grandmother's second husband and her grandchildren (section 264) shall, *mutatis mutandis*, apply Ditto.

to the case of partition between the grandfather's second wife and his grandchildren.

**Dhamma-  
sāra.**

[The same as the second extract in section 264.]

#### SECTION 266.

ON THE DEATH OF THE GRANDMOTHER, PARTITION BETWEEN HER SECOND HUSBAND AND HER GRANDCHILDREN LIVING SEPARATELY.

**Dhamma.** On the death of either grandparent after his or her subsequent marriage leaving no offspring by that marriage, the grandchildren who live apart from the grandparents claim partition of inheritance from the grandparent's second spouse. The property shall be divided into four shares. the grandchildren shall receive three shares and the grandparent's subsequent spouse one share.

**Vinicchaya.** If the grandchildren live apart from the grandparents, they shall not receive any share from the grandparent's second spouse, but shall retain the property given them with actual possession during the lifetime of their grandparents.

**Pakāsañi.** [The same as in section 256.]

#### SECTION 267.

ON THE DEATH OF THE GRANDFATHER, PARTITION BETWEEN HIS SECOND WIFE AND HIS GRANDCHILDREN LIVING SEPARATELY.

**Dhamma.** [The same as in section 266.]

**Vinicchaya.** [The same as in section 266.]

**Pakāsañi.** [The same as in section 256.]

**Dhamma-  
sāra.** If the grandchildren live apart from the grandparents, they shall not receive any share from the grandparent's second wife or husband.

#### SECTION 268.

ON THE RE-MARRIAGE OF THE GRANDMOTHER AFTER HER HUSBAND'S DEATH, HER GRANDCHILDREN ALONE ARE ENTITLED TO THE PROPERTY OF THEIR PARENTS.

**Dhamma.** Grandchildren who have separate property live with either of their grandparents and his second wife or her second husband, as the case may be. On the death of the grandparent, the grand-

children alone are entitled to their separate property, and neither the second wife or husband, nor the grandparent's children by the subsequent marriage shall get any portion of it.

Grandchildren who have separate property inherited from their *Dāyajja* parents live with the grandmother and her second husband. On the death of the grandmother the grandchildren alone are entitled to their inherited property, neither the grandmother's second husband nor her children of the subsequent marriage shall receive any portion of it.

[Substantially the same as *Dāyajja* ]

*Cittara.*

SECTION 269.

ON THE RE-MARRIAGE OF THE GRANDFATHER AFTER HIS WIFE'S DEATH, HIS GRANDCHILDREN ALONE ARE ENTITLED TO THE PROPERTY OF THEIR PARENTS.

[The same as in section 268.]

*Dhamma.*

CHAPTER XIV.

PARTITION AMONG GRANDCHILDREN, THEIR GRANDFATHER'S SECOND WIFE AND HER CHILDREN; OR AMONG GRANDCHILDREN, THEIR GRANDMOTHER'S SECOND HUSBAND AND HIS CHILDREN.

SECTION 270.

ON THE DEATH OF THE GRANDMOTHER, PARTITION AMONG HER GRANDCHILDREN LIVING WITH HER, AND HER SECOND HUSBAND AND THE CHILDREN BY HIM.

If, on the death of either of the grandparents, the survivor *Yasathat*, marries again and has children by the marriage, the property acquired during the subsequent marriage shall, on the death of the grandparent, be divided into nine shares: the grandchildren shall receive one share, the children of the marriage three shares, and the grandparent's second spouse five shares.

On the death of the grandfather, the grandmother marries again *Dhamma*, and has children by her subsequent marriage. She takes her grandchildren and the share of inheritance of their deceased parents with her, and they all live together. On the death of the grandmother, the grandchildren cannot, at the time of partition, claim their deceased parents' share of inheritance as their separate property. The

whole of the property taken by the grandmother to the subsequent marriage shall be divided into four shares, and her second husband shall take one share. The remainder shall again be divided into five shares the grandchildren shall take three shares, and her children by the subsequent marriage two shares. The property acquired during the subsequent marriage shall be divided into eight shares: the children of that marriage shall receive seven shares, and the grandchildren one share. Debts, if any, shall be liquidated in the same proportion

**Rājabala.** On the death of either of the grandparents, the survivor marries again and dies leaving children by the subsequent marriage. The property brought by the grandparent to the subsequent marriage, except his or her clothes, ornaments and personal belongings, shall be divided into five shares: the grandchildren shall receive four shares, and the grandparent's second wife or husband one share. The property acquired during the subsequent marriage shall be divided into nine shares: the second wife or husband shall receive five shares, the children of the subsequent marriage three, and the grandchildren one share. The grandchildren shall have no claim to inherit on the death of their grandparent's second spouse, as their right to inherit does not extend to her or to his property. The grandchildren referred to above are those whose parents pre-decease the grandparent who died first, those whose parents survive the grandparent who died first and have therefore received their due share, shall not receive any more on the death of the surviving grandparent.

**Ditto.** If the grandmother has children by her subsequent marriage, the property brought by her to it shall be divided into four shares, and her second husband shall take one share. The remainder shall be divided into five shares: the grandchildren shall receive three shares, and the children of the subsequent marriage two shares. The grandchildren shall receive one-eighth of the property acquired during the subsequent marriage. Debts, if any, shall be liquidated in the same proportion.

**Manu.** If the grandmother has children by her subsequent marriage, the property brought by her to it shall be divided into four shares, and her second husband shall take one share. The remainder shall be divided into five shares: the grandchildren shall receive three shares and the children of the subsequent marriage two shares. The grandchildren shall receive one-eighth of the property acquired during the subsequent marriage. The grandmother's second hus-

band shall have no claim to the separate property of her grandchildren brought by her to the subsequent marriage. But if the grandchildren live apart from her, such property shall go to her second husband.

[Substantially the same as the second extract from Rāja-Pāṇḍa-bala, except that no provision is made here for liquidation of debts.]

If the grandparent has children by his or her subsequent marriage, the property acquired during it shall be divided into nine shares: the grandparent's second spouse shall receive five shares, the children of the marriage three, and the grandchildren one share. Kungya-linga.

[Substantially the same as Kungyalinga.]

Dhamma-sāra.

On the death of the grandfather, the grandmother marries again taking her grandchildren to the subsequent marriage, and she has children by her second husband. On her death, the rule of partition among the grandchildren, her second husband, and her children by the second marriage is as follows:— Amwebōn.

The grandchildren cannot claim as their separate property the share of inheritance of their deceased parents which has been taken by the grandmother to the subsequent marriage. The whole of the property taken by the grandmother to the subsequent marriage shall be divided into four shares, and the grandmother's second husband shall take one share. The remainder shall be divided into five shares: the grandchildren shall receive three shares, and the children of the second marriage two shares. Debts, if any, shall be liquidated in the same proportion. Because, the share of inheritance of the grandchildren's deceased parents is taken by the grandmother to the subsequent marriage, undivided and along with her own property.

The grandchildren shall receive one-eighth of the property acquired during the subsequent marriage, and shall be liable to the same extent for the debts contracted then. If the grandchildren have separate property of their own inherited from their parents, the grandmother's second husband and her children by him shall not be entitled to get any share of it.

[Substantially the same as the second extract from Rāja-Cittara-bala.]

The property taken by the grandmother shall be divided into four shares: her grandchildren shall receive three shares, and her second husband one share. ~~Amwebōn.~~

The grandmother's hereditary estate shall also be divided into four shares: her grandchildren shall receive one share, and her second husband three shares to be divided between him and his children by her in the proportion of three to one, the same as that between him and his wife's grandchildren by the former marriage.

## SECTION 271.

ON THE DEATH OF THE GRANDFATHER, PARTITION AMONG  
HIS GRANDCHILDREN LIVING WITH HIM, HIS SECOND WIFE,  
AND THE CHILDREN BY HER

Yazathat. [The same as in section 270.]

Manugyê. [Substantially the same as Amwebôn in section 270.]

Râjabala. [The same as the first extract in section 270.]

Ditto. The grandmother's separate property shall be divided into four shares, and her grandchildren shall receive one share.

Kungyalinga. [The same as the first extract in section 270.]

Āyājja. If the grandmother leaves children by her second husband, her grandchildren whose parents pre-decease the grandfather shall not claim as their separate property the share to which their parents were entitled on the ground that their parents have not received their share yet. The grandmother is the absolute owner of the property. Therefore the whole of the property taken by her to the subsequent marriage shall be divided into four shares, and her second husband shall take one share. The remaining property shall be divided into five shares: her children by the second husband shall receive two shares, and her grandchildren three. So says Rishi Manu.

Dhammasāra. [The same as in section 270.]

Amwebôn. The rule of partition laid down in Amwebôn in section 270 shall, *mutatis mutandis*, apply to the case of partition among the grandfather's second wife, his children by her, and his grandchildren by his former marriage.

Cātara. The rule of partition laid down in Cātara in section 270 shall, *mutatis mutandis*, apply to the case of partition, when on the death

of the grandmother the grandfather marries again and dies leaving children by the second marriage.

## SECTION 272.

ON THE DEATH OF THE GRANDMOTHER, PARTITION AMONG HER GRANDCHILDREN LIVING SEPARATELY, HER SECOND HUSBAND, AND THE CHILDREN BY HIM

If the grandchildren live apart from the grandmother, and *Manugyè*. none of their property is taken by her to the subsequent marriage, they shall have no right to inherit her property on her death. Let her sons by the second husband inherit the property. If the grandchildren do not accompany their grandmother to her second husband, they shall receive on her death three-fourths of their grandfather's property taken by her to the second marriage, the remaining one-fourth being given to the grandmother's second husband. As regards her hereditary property, if the grandchildren live with her they shall receive only one-fourth of it; if not, they shall receive nothing. Because, then, their conduct shows that they have no affection for their grandmother.

If the grandchildren live apart from their grandmother who has *Rájabala*. contracted a second marriage, they shall receive on her death three-fourths of the property taken by her to the second marriage, but nothing whatever if no property has been so taken.

If the grandmother brought no property to the second marriage, *Pānam*. the grandchildren by her former marriage who live apart from her shall not, on her death, receive any share. But if she did, they shall receive one-fourth of it.

The grandfather's hereditary property taken by the grand- *Dāyaja*. mother to the second marriage, shall be divided into four shares: the grandchildren who choose to live apart from her shall receive three shares and her second husband one share. The property acquired during the subsequent marriage shall be inherited exclusively by the children of that marriage. If no property is taken by the grandmother to the subsequent marriage, the grandchildren shall not receive any share. The grandmother's hereditary property shall be divided into four shares: her second husband shall receive three shares, and the grandchildren one share. Because, they show no affection for their grandmother.

If the grandchildren live apart from their grandmother and *Amwebon*. no property is taken by her to the subsequent marriage, they shall

have no right to inherit her property on her death. Let her sons by the second husband inherit the property. If the grandchildren do not go with their grandmother to the second husband, they shall receive, on her death, three-fourths of the property of their grandfather taken by her to the second marriage, the remaining one-fourth being given to the grandmother's second husband. As regards her hereditary property, the grandchildren who live apart from her shall receive only one-fourth of it; because they show no affection for their grandmother.

**Cittara.** If the grandchildren do not accompany their grandmother to her second husband, they shall not receive any share (on her death).

### SECTION 273.

ON THE DEATH OF THE GRANDFATHER, PARTITION AMONG HIS GRANDCHILDREN LIVING SEPARATELY, HIS SECOND WIFE, AND THE CHILDREN BY HER.

**Manugyè.** The rule of partition between grandchildren and their grandmother's children by her second husband shall, *mutatis mutandis*, apply to the case of partition between grandchildren and their grandfather's children by his second wife. So says Rishi Manu.

**Rājabala.** The grandfather marries again after the death of the grandmother and dies leaving children; the rule of partition between the grandchildren and the children of the subsequent marriage shall, *mutatis mutandis*, be the same as that in the case of partition between the grandchildren and the grandmother's children by her second husband.

**Amwebôn.** [The same as in Manugyè.]

**Cittara.** [The same as in section 271.]

### SECTION 274.

THE HUSBAND HAS GRANDCHILDREN LIVING WITH HIM AS WELL AS THOSE LIVING SEPARATELY, AND THE WIFE HAS SONS; PARTITION AMONG THE GRANDCHILDREN AND SONS.

**Dhamma.** If the property belongs to the former marriage of the grandparent it shall be divided into four shares: his or her grandchildren living separately shall receive one share, those living with him or her and the children of his or her second spouse by a former marriage shall receive three shares between them.

SECTION 275.

THE WIFE HAS GRANDCHILDREN LIVING WITH HER AS WELL AS THOSE LIVING SEPARATELY, AND THE HUSBAND HAS SONS; PARTITION AMONG THE GRANDCHILDREN AND SONS.

[The same as in section 274.]

Dhamma.

CHAPTER XV.

PARTITION BETWEEN CHIEF AND LESSER WIVES.

SECTION 276.

PARTITION AMONG CHIEF WIFE, ORDINARY CONCUBINE, AND SLAVE CONCUBINE.

On the death of a man leaving no child by any of his three wives, the estate shall be divided into seven shares and a half: the chief wife shall receive four shares, the ordinary concubine three shares, and the slave concubine half a share. Should the wives die leaving children, they shall receive the same shares as those of their respective mothers. Debts, if any, shall be liquidated in the same proportion. Dhamma.

The whole estate (excepting the property which the husband has given with actual possession to each of his concubines during his lifetime, section 277) shall be divided into seven shares: the chief wife shall receive four shares, and the ordinary concubine three. If the remaining four classes of slave concubines (section 277) have daughters, they shall not be emancipated, but their daughters shall obtain their freedom. If they have sons, they and their sons shall be emancipated; and among the latter, those who are the offspring of hereditary slaves shall not receive any share of inheritance, but those who are born of mothers who are not hereditary slaves shall receive half a share. Ditto.

On the death of a man leaving no child by any of his three wives, the estate shall be divided into seven shares and a half: the chief wife shall receive four shares, the ordinary concubine three shares, and the slave concubine half a share. If the wives die leaving children, they shall receive the same shares as those of their respective mothers. Debts, if any, shall be liquidated in the same proportion. So says Rishi Manu. The latter part of the rule refers only to the case where the wives have each a son. But if any of them has more than one child, shares may be apportioned according to discretion. Manugyā.

Manugyè.

If there is also the chief wife besides the six classes of concubines (section 277), the chief wife shall receive four shares, and the free-born concubine who is not purchased three. If the five classes of concubines who are slaves have daughters only, they shall not be emancipated, but their daughters shall obtain their freedom. If they have sons, they and their sons shall be emancipated; but the sons shall not receive any share of inheritance, because the chief wife and the ordinary concubine are alive.

*Another rule.*—If the five slave concubines are not hereditary slaves, their sons shall receive half a share among them. Those alone, who are born of hereditary slaves, shall not inherit, because if the master does not liberate such hereditary slaves, they are slaves all their lives. Debts, if any, shall be treated similarly.

Rājabala.

The rule of partition between the chief and lesser wives is as follows:—

Besides the chief wife a man takes to wife a free-born woman, a slave brought by the chief wife, a slave brought by him, and a slave purchased out of the jointly acquired property. On his death, the chief wife shall receive four shares, and the free-born concubine three. If the three slave concubines have sons, they and their sons shall be emancipated; but if they have daughters, the daughters alone shall obtain their freedom. The children born of slave concubines shall not receive any share of inheritance while there are the chief wife and the ordinary concubine living, but on their death, they shall receive their due share.

Ditto.

If a man has a chief wife, an ordinary concubine, and a slave concubine, his estate shall, on his death, be divided into seven shares and a half: the chief wife shall receive four shares, the ordinary concubine three shares, and the slave concubine half a share.

Manu.

If the chief wife survives her husband, she shall receive four shares, and the *tawbyaung* or ordinary concubine three. A free-born woman who is taken to wife during the lifetime of the chief wife, but not purchased, is called a *tawbyaung*. There are two classes of lesser wives, one who is taken to wife by a man during the lifetime of his chief wife, and the other taken to wife after her death.

Ditto.

If daughters are born to slave concubines, the daughters alone shall be emancipated, but not their mothers. If sons are born to them, both mothers and sons shall be emancipated. If the son is by a purchased concubine, both mother and son shall receive two shares and a half.

Pāpam.

On the death of the husband, the chief wife shall receive four shares, and the *tawbyaung* or ordinary concubine three. The re-

maintaining four classes of slave concubines shall retain what has passed into their possession.

On the death of the husband, the chief wife shall receive four *Dāyajja* shares, the ordinary concubine three shares, and the slave concubine a share and a half.

[Substantially the same as the second extract from *Ditto*.  
*Manugyè*, except that no provision is made here for the liquidation of debts.]

On the death of the husband, leaving no child by any of his *Amwebôn*, three wives, the chief wife shall receive four shares, the ordinary concubine three shares, and the slave concubine half a share.

[Substantially the same as the second extract from *Ditto*.  
*Manugyè*, except that there is no provision here about liquidation of debts.]

[Substantially the same as the second extract from *Cittara*.  
*Manugyè*, except that there is no provision here about liquidation of debts.]

# SECTION 277.

## PARTITION AMONG THE SIX KINDS OF CONCUBINES.

The six kinds of concubines taken to wife by the husband are *Dhamma*. the following :—

- (1) a slave belonging to the chief wife ;
- (2) a slave belonging to the husband ;
- (3) a slave obtained from the husband's parents subsequent to the marriage ;
- (4) a slave obtained from the wife's parents subsequent to the marriage ;
- (5) a slave purchased out of the jointly acquired property ; and
- (6) a free-born woman who is not purchased and with whom the husband does not "eat out of the same dish."

On the death of the husband, each of them shall retain the property which has passed into her possession during his life-time.

[Substantially the same as *Dhamma*.] *Manugyè*.

The six kinds of concubines taken to wife by the husband are *Manu*. the following :—

- (1) a slave belonging to the chief wife ;
- (2) a slave belonging to the husband ;
- (3) a slave purchased out of the jointly acquired property ;

- (4) a slave inherited from the husband's parents after his marriage ;
- (5) a slave inherited from the wife's parents after her marriage ; and
- (6) a free-born woman who is not purchased and known as *tawbyaung*. Marriage may be contracted in two ways, one by purchasing the wife, and the other without purchase. The marriage of the sixth class of concubines falls into the second class of marriages.

Except the *tawbyaung* or ordinary concubine, each of the other five classes of concubines shall retain only such property as has been given them with actual possession.

Dāyajja. 'The six kinds of concubines taken to wife by the husband are the following :—

- (1) a slave belonging to the chief wife ;
- (2) a slave belonging to the husband ;
- (3) a slave obtained from the husband's parents subsequent to his marriage ;
- (4) a slave obtained from the wife's parents subsequent to her marriage ;
- (5) a slave purchased out of the jointly acquired property ; and
- (6) a free-born woman who is not purchased and with whom the husband "eats out of the same dish" and known as *tawbyaung*.

On the death of the husband each of them shall retain the property which has passed into her possession during his life-time.

Imwebôn. [Substantially the same as Dhamma.]

Ckktara. [Substantially the same as Dhamma.]

#### SECTION 278.

#### PARTITION AMONG WIVES BELONGING TO THE FOUR OR TO THE FIVE CLASSES.

Mano. A man has four wives, namely, one belonging to the official or ruling class ; a second belonging to the Brahman class ; a third belonging to the Vaisya or trading class ; and a fourth belonging to the agricultural class. On the death of the husband, his estate shall be divided into ten shares : the wife belonging to the official or ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the agricultural class one share. If there are two wives

of the agricultural class, let the estate be divided into eleven shares, or if there are also two of the trading class, into twelve shares. If there are three wives, one belonging to the Brahman class, another to the Vaisya or trading class, and a third to the agricultural class, the estate shall be divided into six shares, and each shall take as allotted before. The number of shares shall be increased or reduced according to the number of wives of each class, but the portion allotted to each according to her class shall remain fixed.

O great king! how shall partition be made among four wives Waru. belonging to four different classes? The wife belonging to the ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the agricultural class one share.

[Substantially the same as Mano.]

Kaingza.

A man has five wives, one belonging to each of the following Myingun. five classes, namely, the ruling or official class, the Kshatriya or warrior class, the Brahman class, the wealthy class, and the Sudra class, and has children by each of the wives. On his death, the ruler's or official's daughter and the wife belonging to the Kshatriya class shall each receive five shares, the wealthy man's daughter four, the Brahman's daughter three, and the Sudra's daughter two. A wife shall receive her share as allotted above although she may be childless.

Among wives, an official's daughter shall receive four shares, a Dhamma-  
Brahman's daughter three, a trader's daughter two, and a Sudra's thatkyaw. daughter one share.

A man has six wives, namely, a ruler's or official's daughter, a minister's daughter, a wealthy man's daughter, a Brahman's daughter, a trader's daughter, and an agriculturist's daughter, and some have children while the others have not. On the death of the husband, the ruler's daughter shall receive six shares, the minister's daughter five, the wealthy man's daughter four, the Brahman's daughter three, the trader's daughter two, and the agriculturist's daughter one share. Those who have children shall also receive the children's share.

Ditto.

[Substantially the same as Mano.]

Kandaw.

A man has four wives, namely, one belonging to the official or Tejo ruling class, a second belonging to the Brahman class, a third belonging to the Vaisya or trading class, and a fourth belonging to the agricultural class. On the death of the husband, his estate shall be divided into ten shares; the wife belonging to the official or rul-

ing class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the agricultural class one share.

(Substantially the same as Tejo.)

Vaṇṇa-  
dhamma.  
Manuyin.

A man has five wives, one belonging to each of the following five classes, namely :—The ruling or official class, the Kshatriya or warrior class, the Brahman class, the wealthy class, and the Sudra class. On his death, the ruler's or official's daughter and the wife belonging to the Kshatriya class shall each receive five shares, the wealthy man's daughter four, the Brahman's daughter three, and the Sudra's daughter two.

Rāsl.

The commentator Dhammavilāsa divides the law of inheritance into seventeen heads, but all these are substantially the same as the seven heads into which the law is divided in the original Dhammathat. In it are given the four classes of wives and the twelve kinds of sons along with the seven heads of the law of inheritance. The four classes of wives are the ruling, the Brahman, the trading, and the agricultural class. On the death of the husband, the rule of partition among the four classes of wives is as follows :—His estate shall be divided into ten shares : the wife belonging to the ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the agricultural class one share. Even if there are ten wives, each shall receive according to her class, the share allotted to each class remaining fixed.

န.

Ditto.

The Dhammathatlinga says :—ဇနီးတို့အားလုံးကိုလည်း  
.....ဆင်းရဲဝမ်းသာစွာဖြင့်။ The meaning of the quotation is the same as Myingun.

Vinicchaya.

On the death of the husband leaving four wives belonging to four different classes, his estate shall be divided into ten shares : the wife belonging to the ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the minister's class two, and that belonging to the agricultural class one share. Other jurists decide that the wife belonging to the Brahman class shall receive four shares, and that belonging to the ruling class three, on the ground that the former keeps up the traditions and customs of the family. But it must also be understood that the traditions and customs of the family should be in accordance with the teachings of Buddha.

Manu-  
vaṇṇanā.  
Pakāsañ.

[Substantially the same as Mano.]

[Substantially the same as Vinicchaya.]

On the death of a man having five wives belonging to five different classes, the wife belonging to the ruling class and that belonging to the Kshatriya or warrior class shall each receive five shares, that belonging to the Brahman class four, that belonging to the wealthy class three, and that belonging to the Sudra class two. Vicchedant.

On the death of the husband leaving four wives belonging to four different classes, the wife belonging to the ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the Sudra class one share.

A man has five wives belonging to five different classes. On his death, his estate shall be divided into fifteen shares: the wife belonging to the ruling class shall receive five shares, that belonging to the Brahman class four, that belonging to the wealthy class three, that belonging to the Vaisya or trading class two, and that belonging to the Sudra class one share.

[Substantially the same as Mano]

Pāṇāḥ.

On the death of the husband, the wife belonging to the ruling class shall receive four shares, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the agricultural class one share. The wife belonging to a class lower than the last named shall retain such property as she actually has in her possession. Kungya-linga.

[Substantially the same as Waru.]

Warulinga.

[Substantially the same as Waru.]

Dhamma-sāra.

[Substantially the same as Mano.]

Cittara.

#### SECTION 279.

#### WIVES WHO ARE NOT ENTITLED TO INHERIT THEIR HUSBAND'S ESTATE.

The eighteen classes of women who are not entitled to inherit the property of the husband are the following:— Shinthaba.

- (1) A woman who is addicted to intoxicating drinks;
- (2) One who does not eat with the husband;
- (3) One associated with him only for the sake of wanton pleasure;
- (4) One who causes insanity in the husband;
- (5) One who causes injury to the husband's genital organs;
- (6) One who causes the death of the husband;
- (7) One who belongs to a low or servile class;
- (8) One who deserts the husband;

- (9) One who is insane ;
- (10) One who is guilty of adultery ;
- (11) One who has no affection for her husband ;
- (12) One who leaves the husband's protection ;
- (13) One who does not attend upon the husband during his illness ;
- (14) One who does not perform the husband's funeral rites ;
- (15) One who does not perform works of merit and give alms for the husband's spiritual welfare ;
- (16) One who is in the habit of eating before the husband does ;
- (17) One who is barren ; and
- (18) One who has no relatives of any kind.

**Kyannet.** If the wife does not attend upon the husband during his illness, she shall not inherit his property. Similarly the husband shall not inherit the wife's property if he does not attend upon her during her illness. The wife who cherishes the husband during his illness shall inherit the whole of his property. A disobedient and disrespectful wife may be chastised in public, and shall not be permitted to succeed to the husband's property on his death. A wife whose conduct is found virtuous is a wife indeed, and she shall succeed to her husband's estate.

#### SECTION 280.

**WIVES OUTSIDE THE FOUR CLASSES GET ONLY SUCH PROPERTY AS IS ACTUALLY IN THEIR POSSESSION.**

**Mano.** The wives other than those coming under the four classes mentioned in Mano in section 278 shall retain only such property as they have in actual possession. Because, those not belonging to the four classes are of the servile class, and they are therefore not entitled to any share of inheritance.

**Keingra.** [The same as Mano.]

**Kandaw.** The wives other than those mentioned in Kandaw in section 278 shall retain only the property of which they are in actual possession.

**Tojo.** [The same as Mano.]

**Vappa-dhamma.** [Substantially the same as Mano.]

**Rat.** The wife who belongs to a class lower than the classes mentioned in section 278 shall retain only the property which has been given her and delivered into her possession.

The wives other than those coming under the classes mentioned in Manuvāṇṇā in section 278 shall retain only such property as has been given them and delivered into their possession. They shall not receive the property which is given, but of which they are not yet in actual possession. Manu-  
vāṇṇā.

Another rendering of the *Pāli* original is that wives who are maintained by the husband, but live separately from him, shall retain only such property as are in their actual possession.

Between the husband and wife, neither of them shall be liable to compensate the other if they expend the whole of the property brought by either to the marriage.

The wives other than those mentioned in Pāṇam in section 278 shall retain only the property of which they are in actual possession. Pāṇam.

The wife who is maintained by the husband, but lives separately from him, shall retain only such property as has been given her and delivered into her possession. Dhamma-  
sāra.

## SECTION 281. [Omitted.]

### SECTION 282.

#### PARTITION AMONG WIVES BELONGING TO THE SIX CLASSES.

On the death of the husband leaving six wives belonging to the six different classes, the wife belonging to the ruling class and that belonging to the Kshatriya or warrior class shall each receive five shares, that belonging to the wealthy class four, that belonging to the Brahman class three, that belonging to the Vaisya or trading class two, and that belonging to the poor class one share. Manu-  
vāṇṇā.

[Substantially the same as Manuvāṇṇā, except that the last class is given here as the agricultural, instead of the poor class.] Dhamma-  
sāra.

### SECTION 283.

#### PARTITION AMONG WIVES LIVING SEPARATELY FROM THEIR HUSBAND.

The rule of partition among wives living separately from the husband is as follows:— Manu.

Each of them shall retain the property of which she is in actual possession. The remaining property shall be divided among them according to the classes to which they respectively belong.

## SECTION 284.

**WIVES LIVING SEPARATELY FROM THEIR HUSBAND ARE ENTITLED ONLY TO SUCH PROPERTY AS IS ACTUALLY IN THEIR POSSESSION.**

**Manu.** Four wives belonging to four different classes and with whom the husband "eats out of the same dish" are accommodated in different houses. Each of them shall retain only the property of which she is in actual possession, and the property of one wife shall not be conveyed to another.

## SECTION 285.

**PARTITION OF THE HUSBAND'S INHERITED PROPERTY AMONG WIVES "EATING OUT OF THE SAME DISH" WITH HIM ACCORDING TO THE CLASS TO WHICH EACH BELONGS.**

**Manugyè.** A Brahman has four wives who "eat out of the same dish" with him, and who live in separate houses (section 392). No wife shall claim the whole of the husband's inherited property on the contention that it is in her possession. It shall be divided according to the class to which each wife belongs. The order in which the marriages take place shall not be taken into account in the disposition of shares.

**Ditto.** The husband's property inherited from his parents subsequent to the several marriages shall be partitioned among the wives according to the class to which each belongs. One shall not claim an exclusive right to it on the ground that it was given to her. Debts, if any, shall be liquidated similarly.

**Dāyaja.** The chief wife and her children shall not claim the husband's inherited property kept in the house of one of the wives as the property to which they are exclusively entitled. It shall be divided among all the wives and children according to the class to which each wife or each mother belongs.

**Anvabōn.** [Substantially the same as the first extract from Manugyè.]

**Dūo.** [The same as the second extract from Manugyè.]

**Citara.** The property inherited by the husband subsequent to the several marriages, shall be divided among all the wives according to the class to which each belongs, although it may be in the sole possession of only one of the wives.

SECTION 286.

PARTITION AMONG WIVES LIVING WITH THE HUSBAND AND  
"EATING OUT OF THE SAME DISH" WITH HIM.

If the wives have no children, they shall divide their husband's <sup>Mano.</sup> property equally among them, provided that they belong to the same class. If they belong to different classes, they shall be partitioned according to the rules already laid down.

In case there are no children by any of the wives, those who belong to the same class shall receive equal shares. To those who belong to an inferior class, shares shall be apportioned according to discretion. <sup>Ditto.</sup>

[Substantially the same as the first extract from Mano.] <sup>Pyu.</sup>

[The same as the first extract from Mano.] <sup>Kaingza.</sup>

If the wives have no children, the husband's estate shall be divided according to the class to which each belongs, and the extent of any benefit which she may have contributed towards the estate. <sup>Dhamma-thaikyaw</sup>

Several wives live together in the same house and "eat out of the same dish" with the husband. Each of them shall retain the property brought by her to the marriage, or the property acquired by inheritance from her parents subsequent to the marriage, or the property given her by the husband as a marriage portion. <sup>Dhamma.</sup>

[Substantially the same as Dhamma.] <sup>Manugya.</sup>

If any of the wives who live together in the same house and "eat out of the same dish" with the husband dies childless, the husband shall inherit her property and he is at liberty to expend the whole of it. The unexpended portion of such property shall, on the death of the husband, be divided among the surviving wives according to the class to which each belongs. Debts, if any, shall be liquidated similarly. Because, the husband and wife are heirs to each other. <sup>Ditto.</sup>

[Substantially the same as the first extract from Mano.] <sup>Kandaw.</sup>

[The same as the first extract from Mano.] <sup>Tejo.</sup>

[The same as the first extract from Mano.] <sup>Vappa-dhamma.</sup>

[Substantially the same as the first extract from Mano.] <sup>Rasi.</sup>

If the wives have no children, they shall divide their husband's <sup>Mano.</sup> property equally among them, provided that they belong to the <sup>Vappa-dhamma.</sup> same class.

- Sônda.** [Substantially the same as Mano.]
- Manu.** Several wives live in the same house and "eat out of the same dish" with the husband. Partition of inheritance among them shall be governed by the rules already laid down.
- Ditto.** [Substantially the same as the second extract from Manugyè.]
- Pâparh.** [Substantially the same as the first extract from Mano.]
- Dâyajja.** The property acquired by inheritance by the husband from his parents subsequent to the several marriages, and the common\* property, *i.e.*, the husband's property not given to any wife in particular, shall be divided among the wives who live in the same house and "eat out of the same dish" with him, according to the class to which each belongs.
- Amwebôn.** [Substantially the same as Dhamma.]
- Ditto.** [The same as the second extract from Manugyè.]
- Cittara.** Several wives live together in the same house and "eat out of the same dish" with the husband. Each of them shall retain the property brought by her to the marriage, that acquired by inheritance from her parents subsequent to the marriage, that given to her by the husband as a marriage portion, and such other property as were given her by the husband and delivered into her hands.
- Ditto.** [Substantially the same as the second extract from Manugyè.]

## SECTION 287.

## PARTITION BETWEEN TWO WIVES BELONGING TO DIFFERENT CLASSES.

- Myingun.** On the death of the husband, partition between his two wives shall be made after considering the respective family connections, character, and age of each. The wife who is superior shall receive three shares, and the one who is inferior two.
- Dhamma-thakyaw.** On the death of a man having two wives, one belonging to a superior, and the other to an inferior class, the property jointly acquired shall be divided between the former and the latter in the proportion of two to one.
- Manuyin.** On the death of a man having two wives, partition between them shall be made after considering the family connections of each. The superior wife shall receive three shares, and the inferior two shares.

On the death of a man leaving two wives, the superior wife shall *Vicchadant* receive three shares, and the inferior two shares.

SECTION 288.

PARTITION BETWEEN THE WIFE BELONGING TO A SUPERIOR CLASS WITHOUT ISSUE, AND THE WIFE BELONGING TO AN INFERIOR CLASS WITH ISSUE.

If the wife belonging to a superior class has no child, but that be- *Myingun*  
longing to an inferior class has one, then the two wives shall divide  
their husband's property equally between them.

[Substantially the same as *Myingun*.]

*Manuyin*.

[Substantially the same as *Myingun*.]

*Manu-  
vappana*.

[Substantially the same as *Myingun*.]

*Vicchadant*.

SECTION 289.

PARTITION BETWEEN TWO WIVES ONE OF WHOM ONLY HAS CHILDREN.

Both wives are married with the consent of his and their parents, *Vilasa*  
and one of them alone has children. If they are of the same class,  
the wife who has children shall receive the same share as her  
children. But if she belongs to an inferior class, shares shall be  
apportioned according to discretion.

If only one of the two wives has children, the wife who has *Dhamma-  
children* shall receive two shares, and the other one share. The *thatkyaw*  
former shall also receive the children's share separately.

Both wives are married with the consent of his and their parents, *Kyatva*  
and one of them alone has children. If they are of the same class,  
the wife who has children shall receive the same share as her  
children. But if there is inequality in rank between the two wives,  
shares shall be apportioned according to discretion

SECTION 290.

PARTITION BETWEEN TWO WIVES ACCORDING TO THEIR EXER-  
TIONS IN THE ACQUISITION OF JOINT PROPERTY.

The rule of partition between two wives on the death of the hus- *Yazathat*  
band is as follows :—

The separate property (*payin*) brought by each of the wives to  
her marriage shall revert to its original owner. Debts contracted  
prior to the marriage shall also be liquidated by the wife who con-

tracted it. The property acquired during their residence together as well as debts contracted then shall be divided equally between them. If one of them or both have children, they shall inherit their father's property according to the usual rules applicable to their case. So has the rule been laid down.

**Dhamma-thatkyaw.** If the energy and resource brought to bear on the joint concern by each of two wives be unequal, the one who is more energetic and resourceful shall receive two shares, and the other one share.

#### SECTION 291.

PROPERTY BELONGING TO ONE WIFE SHOULD NOT BE GIVEN TO ANOTHER.

**Mānussika.** Although the husband has control over his wife's property, he shall not convey the property of the chief wife to the lesser wife, nor that of the latter to the former.

**Vilāsa.** Although the husband has control over his wife's property, he shall not convey the property of the chief wife to the lesser wife, nor that of the latter to the former. One who acts in contravention of the above rule, being actuated by interested motives, shall be punished by the ruler.

**Dhamma-g,thatkyaw.** The children of the second wife shall not inherit the first wife's separate property, nor shall the latter's children inherit the former's separate property. The same rule shall, *mutatis mutandis*, apply to partition between the first and the second husbands and their children.

**Vaṇṇanā.** Although the husband has control over his wife's property, he shall not convey the property of the chief wife to the lesser wife. If he does so against the wish of the chief wife, he shall be punished by the ruler as his action is not altogether free from blame.

**Manuyin.** The property of the chief wife shall not be conveyed to the lesser wife, nor that of the latter to the former.

**Rāsi.** Although the husband has control over his wife's property, the parents over their children's, and the master over his slave's, the property of the chief wife shall not be conveyed to the lesser wife, nor that of the latter to the former. One who from interested motives acts in contravention of the above rule shall be punished by the ruler.

**Paṭṭasanti.** The chief wife shall not be held liable for the debts contracted by the second wife, nor shall the latter be held liable for those contracted by the former.

The property of the chief wife shall not be amalgamated with *Vicchedanī* that of the lesser wife.

It is laid down in the *Myingun Dhammathat* that debts contracted by a woman while living with the first husband shall be liquidated by his children and not by her second husband, in whose hands she dies. The children of the first marriage shall also inherit the property taken by their mother to the second marriage. Kungya-linga.

The second wife and her children shall not receive any portion of the property brought by the husband from the first marriage, nor shall they be responsible for any debt contracted by him during the first marriage.

The property brought by the chief wife to the marriage shall be given to her alone and not to the second wife, likewise that brought by the latter shall be given to her alone and not to the former. Cittara.

The property of the chief wife shall not be conveyed to the second wife, nor shall that of the latter to the former. But a gift may be made to a stranger. One who acts in contravention of this rule shall be punished by the ruler. Kyetyo.

SECTION 292. [Omitted.]

SECTION 293. [Omitted.]

## CHAPTER XVI.

### PARTITION BETWEEN STEP-CHILDREN AND CO-HEIRS OF THEIR STEP-PARENTS.

#### SECTION 294.

A HUSBAND AND WIFE DIE WITHOUT ISSUE; PARTITION BETWEEN THE WIFE'S CHILDREN BY A FORMER MARRIAGE AND THE CO-HEIRS OF THE HUSBAND.

Both parent and step-parent die leaving no children of the marriage, the parent predeceasing the step-parent. The step-children shall receive one half of the share of inheritance to which their step-parent was entitled in the yet undivided property in the hands of his or her co-heirs. If, however, the step-parent predeceases the parent, the step-children shall receive only a third of it. The step-children come in for a share because their step-parent enjoyed the full right of inheritance by surviving his or her own parents. But they lose the privilege should their step-parent predecease his or her parents. Debts, if any, shall be liquidated similarly. Rājabala.

## SECTION 295.

A HUSBAND AND WIFE DIE WITHOUT ISSUE; PARTITION BETWEEN THE HUSBAND'S CHILDREN BY A FORMER MARRIAGE AND THE CO-HEIRS OF THE WIFE.

**Dhamma.** The father marries again, and both father and step-mother die leaving no offspring by the marriage. The rule of partition between the step-children and their step-mother's co-heirs is as follows :—

If the father predeceases the step-mother, the share to which she was entitled in the yet undivided property owned jointly with her co-heirs, shall be divided equally between her step-children and her co-heirs. If, however, the step-mother predeceases the father, the step-children shall receive one-third, and the co-heirs two-thirds of such share.

**Manugyè.** The father marries again, and both father and step-mother die leaving no offspring by the marriage. The rule of partition between the step-children and their step-mother's co-heirs is as follows :—

The children shall receive the whole of their father's as well as their step-mother's animate and inanimate property. As regards the share of inheritance to which the step-mother was entitled in her deceased parents' estate which still remains undivided, her step-children shall inherit one-half, and her co-heirs the remaining half. If the step-mother predeceases the father, the step-children shall inherit the whole of the step-mother's share of inheritance provided that the estate has been divided and she has already obtained her share, which on her death passes to the father by inheritance; but if the estate is not yet divided, the step-children shall receive two-thirds and the co-heirs one-third. Debts, if any, shall be liquidated similarly. The above rule refers to the case where the step-mother survives her parents; but if she predeceases them, the step-children shall have no claim on the undivided estate of her parents. So says Rishi Manu.

**Rājabala.**

[The same as in section 294.]

**Manu.**

On the death of the father and step-mother, the rule of partition between the latter's step-children and co-heirs is as follows :—

The children shall inherit the property owned by the father and step-mother jointly. The step-mother's share of inheritance shall be divided into three shares : her co-heirs shall receive one share, and her step-children two shares. If the father survives the step-mother, he shall receive one-half of her share of inheritance and the other

half reverts to the estate for the benefit of her co-heirs. If the step-mother predeceases her parents neither her husband nor her step-children shall have any claim on the undivided estate in the hands of her co-heirs.

A couple and the children of the husband by a former wife live together. On the death of the husband and wife, the children shall inherit the whole of the property of both. As regards the step-mother's share of inheritance in the yet undivided estate of her parents who predecease her, it shall be divided equally between her co-heirs and her step-children. In the event of the step-mother predeceasing the father, the whole of the step-mother's share of inheritance shall be inherited by her step-children, provided that such share has passed into their father's hands; if, otherwise, *i.e.*, if it is still in the hands of the co-heirs, the step-children shall receive two-thirds, and her co-heirs one-third.

[The same as Manugyè.]

Amwebón.

A man having children by a former wife marries again. On the death of the husband and wife, the rule of partition between the children and their step-mother's co-heirs is as follows:—

Cittara.

If the step-mother dies before the partition of her parents' estate, the share to which she was entitled out of it shall be divided into three shares: her step-children shall receive two shares, and her co-heirs one share. Debts, if any, shall be liquidated in the same proportion. It must first be understood that the step-mother survives her parents; if she predeceases them, her step-children shall have no claim on the estate. If on the other hand the estate had been partitioned before her marriage, her co-heirs shall have no claim on her property which is inherited by her husband or children or step-children.

## CHAPTER XVII.

RIGHT OF PARENTS, BROTHERS, AND OTHER RELATIVES OF  
THE DECEASED TO INHERIT HIS ESTATE ON HIS DYING  
WITHOUT ANY HEIR.

### SECTION 296.

FAILING CHILDREN, AN ESTATE DEVOLVES UPON THE PAR-  
ENTS OR BROTHERS OF THE DECEASED.

Failing children, an estate devolves upon the parents or brothers Pyu.  
of the deceased.

Vañṇaṇā.

[The extract is out of place here. Extracts (၁) and (၂) in section 310, Burmese edition, should be given here. The meaning of extracts (၁) and (၂) is as follows:—

Failing heirs, the estate devolves upon the parents of the deceased. In the event of the parents having predeceased, it shall devolve upon his or her co-heirs.]

Sōṇḍa.

[The same as Pyu.]

Manu.

The co-heirs of the husband are entitled to a share in his property only, and those of the wife in hers only. If there is some interval of time between the death of the husband and that of the wife, the co-heirs of the one who dies last shall receive two shares, and those of the other who dies first one share. If the funeral rites are performed equally by the relatives of both, they shall divide the estate equally between them.

## SECTION 297.

THE SON CONCEIVED IN WEDLOCK, BUT BORN AFTER THE SEPARATION OF THE PARENTS, HAS A CLAIM UPON THE ESTATE OF THE FATHER.

Manugyā.

The husband divorces his wife after she is conceived, and dies while living with his co-heirs. His child by the wife whom he divorced shall succeed to one-half of his estate, and the co-heirs to the other half. Debts, if any, shall be liquidated in the same proportion. Because, the child was conceived during a properly constituted marriage contracted with the consent of the parents and not during a casual union. It is not given to every man to become a father. There are three causes the concurrent presence of which is necessary to cause a woman to be conceived; and conception is further distinguished as conception during wedlock and that not in wedlock. The child of the former class is the most eligible heir, and the first man who is the author of the conception is the father. So the child shall inherit his property.

Dāyajja.

The husband divorces his wife after she is conceived, and dies while living with his co-heirs. His child by the wife whom he divorced shall succeed to half his estate, and the co-heirs to the other half.

Ditto.

The husband divorces his wife after she is conceived, and dies while living with his co-heirs. His child by the wife whom he divorced shall succeed to half his estate, and shall also receive his office, personal belongings, and ornaments.

The husband divorces his wife after she is conceived, and dies **Amwebôn.** while living with his co-heirs. His child by the wife whom he divorced shall succeed to half his estate, and the co-heirs to the other half. Debts, if any, shall be liquidated in the same proportion. Because, the child was conceived during a properly constituted marriage contracted with the consent of the parents, and not during a casual union. Every man cannot become a father. There are three causes which must be concurrently present to cause a woman to be conceived; and conception is further distinguished as conception during wedlock and that not in wedlock. The child of the former class is deemed superior. After a woman is once conceived, there can be no further conception though she may subsequently have sexual intercourse with other men. The man who first causes the conception is the father of the child, and therefore the child shall inherit the property of the father who begot him or her.

A couple who are given in marriage by their parents separate **Cittara.** after the wife is conceived. She marries again and gives birth to the child while under the protection of the second husband. Such child can inherit his father's (the first husband's) office and separate property. If the father lives with his co-heirs after separation, the property acquired then shall be divided equally between the child and his father's co-heirs. Debts, if any, shall be liquidated in the same proportion. Because, the child is not the offspring of a casual union but of a properly constituted marriage.

### SECTION 298.

THE SON CONCEIVED IN WEDLOCK, BUT BORN AFTER THE SEPARATION OF THE PARENTS, HAS A CLAIM UPON THE ESTATE OF HIS FATHER'S PARENTS.

The son conceived in wedlock, but born after the separation of **Dhamma.** the parents, shall receive a grandchild's share from the parents of his father who dies while living with them after the separation.

A couple is given in marriage by the parents of both. After the **Manugyā.** wife is pregnant they separate, the husband paying compensation to the wife, who marries again and gives birth to the child while under the protection of the second husband. The rule of partition between the wife and the first husband is laid down elsewhere: that between the son and the father who has no other wife, child or grandchild is as follows:—

The fact of the father having paid compensation to the mother at the time of separation shall not be a bar to the son inheriting the estate of his father. It shall not be said that such compensation constitutes his inheritance. As the son is begotten during a marriage contracted with the consent of the parents, he is the most eligible heir and representative of his father. If the father lives alone and has no other wife, child or grandchild, the son shall succeed to the whole of his father's animate and inanimate property; he shall also liquidate the debts, if there are any. If the father survives his own parents, the son shall also inherit his father's share of inheritance in the estate of his grandparents. He shall also succeed to his father's office and liquidate debts, if there are any. If the father dies while living with his parents, the son shall receive a grandchild's share from his grandparents, because he is the son of a marriage contracted with their consent.

**Rājabala.** The son conceived in wedlock, but born after the separation of the parents, is entitled to inherit the whole of his father's estate if the father has no other heir. Debts, if any, shall also be liquidated by the son.

**Dāyajja.** The son conceived in wedlock, but born after the separation of the parents, shall not inherit his father's estate if the father subsequently marries and has a wife, a child or a grandchild. But if he has no such heir, his son by the wife whom he divorced shall inherit his estate. If the father dies while living with his parents, the son shall also receive a share out of the estate of his grandparents; because he is begotten during a marriage contracted with the consent of the parents.

**Amwebôn.** [The same as Manugyè.]

#### SECTION 299.

THE SON CONCEIVED IN WEDLOCK, BUT BORN AFTER THE SEPARATION OF THE PARENTS, INHERITS THE ESTATE OF HIS FATHER IN THE ABSENCE OF OTHER HEIRS.

**Dāyajja.** A couple is given in marriage by the parents of both. After the wife is pregnant they separate, the husband paying compensation to the wife, who gives birth to a son. On the death of his father, he shall receive a share of inheritance from his grandparents, and his father's co-heirs and relatives shall not contend that he is debarred from inheritance by his mother having received compensation at the time of separation. If the father lives alone and has no other wife, child or grandchild, his son by his divorced wife shall inherit the whole of his property.

SECTION 300.

THE SON BORN OF A CASUAL UNION IS ENTITLED TO THE SEPARATE PROPERTY OF HIS PARENTS.

[Substantially the same as Manugyè which follows.]

Dhamma.

Manugyè.

When the woman becomes pregnant after cohabitation without marriage, the man refuses to marry her, but pays compensation instead. The woman gives birth to a son and lives with her parents and dies there. Her son shall receive her clothes, ornaments, and such other property given her by her parents if they do not resume them, her co-heirs shall have no claim on them. Because, the property is given her by her parents, and as the donors do not resume it, it becomes her separate or *thinthi* property and her son succeeds to it.

If the woman survives her parents, she would under ordinary circumstances enjoy the full right of inheritance, and her husband and children would be entitled to her full share; but as she has disgraced the family by her conduct, her son is not entitled to her share of inheritance if such share has not passed into her hands. It shall revert to the estate for the benefit of her co-heirs.

If, again, the father does not marry subsequently and therefore has no wife, child or grandchild, his son by the woman whom he repudiated shall receive the whole of his separate property.

If the father dies while living together and working jointly with his parents, the property acquired on his own account shall devolve upon his parents. As regards the property acquired by himself while living with his co-heirs, one-half of it shall be inherited exclusively by his co-heirs, while the remaining half shall be divided into three shares: his son shall receive one share, and his co-heirs two shares. Debts, if any, shall be liquidated in the same proportion. Because, the son is one of the heirs.

[Substantially the same as Manugyè.]

Manu.

The son of a casual union shall succeed to the estate of his father as an eldest son if the father has no other heir. Ditto.

A man and a woman cohabit without marriage, and they separate when the woman becomes pregnant, the man paying compensation to the woman. The rule of partition between the son of such casual union and the co-heirs of the father is as follows:—

Kungya-  
linga.

The casually begotten son shall receive only the separate property of his parents as has been given them and delivered into their hands by their respective parents, and shall not receive any share of inheritance.

Kungya-  
linga.

The child of a casual union shall inherit his or her father's estate and also liquidate his debts, if any, provided that he has no other child.

Dāyajja.

A man and a woman cohabit without marriage and separate when the woman becomes pregnant, the man paying compensation to the woman. The son of such casual union shall not inherit the estate of his grandparents, but shall receive his mother's separate property. If the father has no other wife, child or grandchild, his son by the woman whom he repudiated shall succeed to his property. If the father dies while living with his parents, his estate shall devolve upon them. If he dies while living with his co-heirs, his property shall be divided into six shares: his son shall receive one share, and his co-heirs five shares.

Amwebón.

[The same as Manugyè].

Cittara.

The son of a casual union whose mother has received compensation is entitled to succeed to his father's separate property, provided that the father does not subsequently marry and has therefore no other child. If the father dies while living with his parents, his property devolves upon them. If he dies while living with his co-heirs, one-half of his property shall be inherited exclusively by his co-heirs. The remaining half shall be divided into three shares, and his son shall receive one share, because he is one of those entitled to inherit. Debts, if any, shall be liquidated in the same proportion.

## SECTION 301.

IN THE ABSENCE OF OTHER HEIRS, THE SON BEGOTTEN OF AN AMOROUS INTERCOURSE HAS A CLAIM UPON THE ESTATE OF HIS PARENTS LIKE OTHER HEIRS.

Dhamma.

If on the death of a couple, their son begotten of an amorous intercourse, and their co-heirs both claim the inherited and jointly acquired property, the former alone is entitled to them.

Manugyè.

The rule as to whether there should be partition between a son begotten of an amorous intercourse and his parents' co-heirs is as follows:—

A couple have property given them by their parents, as well as property acquired jointly. On their death leaving only the son begotten of their amorous intercourse, their co-heirs shall have no claim on their property on the ground that the son was begotten before marriage. Let the son inherit the whole of the property.

If the mother of a child begotten of an amorous intercourse (*kili-taja*), dies after her parents, he or she shall not claim the mother's share of inheritance from the grandparents, but shall retain only such property as is in the mother's possession. Manu.

The rule laid down in Manu Dhammathat as to whether there should be partition between a son begotten of an amorous intercourse and his parents' co-heirs is as follows — Kungya-linga.

The husband and wife have property given them by their parents, as well as property acquired during marriage. On their death leaving only the son begotten of an amorous intercourse, their co-heirs shall have no claim on their property. Let the son inherit the whole of the property. But he shall not have any claim to his mother's share of inheritance which reverts to the estate for the benefit of the co-heirs.

The son begotten of an amorous intercourse shall receive such property as ear-rings, finger-rings, bracelets, anklets, necklaces, and other ornaments given to his mother for wear in her younger days, and also lands, slaves, bullocks, buffaloes, &c., given her by the parents and delivered into her possession, provided that the donors have not resumed them. Her co-heirs shall have no claim on such property on the ground that the son was born of a casual union not approved of by the parents. He is also entitled to receive his mother's share of inheritance if such share is already in her possession. He shall not, however, get any property given to her but of which she is not yet in possession. Dāyajñ.

In the absence of other heirs, the son begotten of an amorous intercourse shall receive only the share to which he is entitled as such, but he shall have no claim whatever on his mother's share of inheritance in the undivided estate of his grandparents, the mother herself not being entitled to inherit. Ditto.

[The same as Manugyè ]

Amwebôn.

If the mother of the son begotten of an amorous intercourse had already received her share of inheritance before he was born, he was entitled to it, and her co-heirs shall have no claim on the same. Cittara.

The son begotten of an amorous intercourse shall not receive any share in the inheritance of his mother's (deceased) co-heir. Ditto.

If the mother of the son begotten of an amorous intercourse dies without contracting a legal marriage, he shall not receive his mother's share of inheritance which reverts to the estate. Ditto

## SECTION 302.

THE SON BEGOTTEN OF AN AMOROUS INTERCOURSE IS NOT ENTITLED TO INHERIT IF HIS MOTHER AFTERWARDS MARRIES AND HAS CHILDREN IN WEDLOCK.

**Kungyalinga.** If the mother of the child begotten of an amorous intercourse marries subsequently and has children, then they alone shall inherit her estate.

**Dayajja.** [Substantially the same as Kungyalinga].

**Ditto.** The mother of the son begotten of an amorous intercourse subsequently marries and has children. If, on her death, her children claim her share of inheritance in her parents' undivided estate, the children born in wedlock shall receive such share, provided that their mother survived her parents. The child begotten of an amorous intercourse has no claim on his or her mother's share of inheritance, but shall receive a fair share only out of the property acquired on her own account while living with her brothers.

**Ditto.** A son, born of a marriage contracted with the consent of the parents of the husband, but against the wishes of the parents of the wife, shall inherit the hereditary office and other property of his father, but shall not receive any portion of his mother's share of inheritance, because she acted against the counsel of her parents.

**Ā. Cittara.** Children born in wedlock shall inherit according as their parents predecease or survive the grandparents.

## SECTION 303.

THE MOTHER OF A SON BEGOTTEN OF AN AMOROUS INTERCOURSE MARRIES SUBSEQUENTLY AND HAS CHILDREN; THEY CANNOT INHERIT THE ESTATE OF THEIR MOTHER'S PARENTS AND GRANDPARENTS, WHICH GOES TO HER CO-HEIRS.

**Dayajja.** The mother of a son begotten of an amorous intercourse shall not receive any share out of the estate of her parents or grandparents. Let her co-heirs have the whole of the estate.

## SECTION 304.

A SON IS BEGOTTEN OF A CASUAL UNION, AND HIS MOTHER DIES LEAVING NO OTHER HEIRS: PARTITION OF THE MOTHER'S ESTATE BETWEEN THE SON AND THE MOTHER'S CO-HEIRS.

**Rājabala.** The mother of a son begotten of a casual union dies while living with her parents. The son shall inherit his mother's *thinthi* or

separate property as well as her clothes, ornaments, and personal belongings, if her parents do not resume them. They shall not be subject to partition with the co-heirs.

In the absence of children of a subsequent lawful marriage, the *Dāyāja* children of a casual union shall inherit their mother's property.

The mother of a son begotten of a casual union dies while living *Cittara* with her parents. The son alone shall receive his mother's separate property, and her co-heirs shall not receive any portion of it. On the other hand the son shall not inherit his mother's share of inheritance in her parents' estate. It shall revert to the estate for the benefit of the co-heirs.

### SECTION 305.

PARTITION BETWEEN THE CO-HEIRS OF THE WIVES BELONGING TO THE FOUR SUPERIOR CLASSES, WHO HAVE NO HEIRS, AND THE SON BY A WIFE OF AN INFERIOR CLASS.

The wives belonging to the four superior classes have no children, *Mano*. but the wife belonging to an inferior class has. On the death of the husband and the wives, the children by the wife of the inferior class shall receive two shares, and the relatives of the wives of the four superior classes one share.

[Substantially the same as *Mano*.]

*Kaingsa*.

[Substantially the same as *Mano*.]

*Kandaw*.

[Substantially the same as *Mano*.]

*Tejo*.

The wives belonging to the five superior classes have no children, but the wife belonging to an inferior class has. On the death of the husband and the wives, the children by the wife of the inferior class shall receive two shares, and the relatives of the wives of the five superior classes one share.

*Vaṇṇadhamma*.

*Note*.—In the majority of ancient authorities, the text is "*Natthamhi catutthi putte*;" but as the classification according to the text excludes the class "*Surakulathija*," and as the text itself is faulty in grammatic construction, it is changed into "*Natthe pañcīthi-namputte*."

None of the wives belonging to the superior classes has a child, *Rat*. but the wife belonging to an inferior class has one. Then the father's estate shall be divided into three shares: the son shall receive two shares, and the relatives of the wives of the superior classes one share.

[Substantially the same as *Vaṇṇadhamma*, but the note is *Manu-vagge*, not appended here.]

Pāṇam.

The wives belonging to the three superior classes have no children, but the wife belonging to the poor class has. On the death of the husband and the wives, the son by the wife of the poor class shall receive two shares, and the relatives of the wives of the superior classes one share.

## SECTION 306

CHILDREN LIVING SEPARATELY FROM THE PARENTS, WHO HAVE THEMSELVES SEPARATED FROM EACH OTHER, DIE WITHOUT ANY HEIR. PARTITION OF THEIR ESTATE BETWEEN THE FATHER AND MOTHER.

Dhamma.

A couple having a son and a daughter separate. The children themselves live together, but apart from their parents, and die without heirs. The rule of partition of their property between the parents is as follows:—

If the son is the elder of the two, their property shall be divided into three shares: the father shall receive two shares, and the mother one share. If, however, the daughter is the elder, there shall be an equal division between the father and the mother.

Manugyè.

A couple having a son and a daughter separate. The children themselves live together, but apart from their parents, and die without heirs. If their property is jointly acquired, it shall be divided into three shares: the father shall receive two shares, and the mother one share in case the son is older than the daughter; if, however, the daughter is the elder of the two, the parents shall divide their property equally between them. But if there is only a son and no daughter, the father alone is entitled to the whole of the property; and if there is only a daughter and no son, the mother alone is entitled to the whole of the property. The rule is based on the habits of the male and female doves.

Rājabala.

[Substantially the same as Manugyè.]

Manu.

[Substantially the same as Manugyè.]

Arīwebōn.

[The same as Manugyè.]

## SECTION 307.

THE HUSBAND AND WIFE SEPARATE AFTER HAVING CHILDREN; THE HUSBAND DIES WITHOUT ANY OTHER HEIRS. RIGHT OF THE CHILDREN TO INHERIT THE ESTATE OF THEIR DECEASED FATHER.

Cittara.

A couple separate after having a son and a daughter, and the husband dies without any other heirs. His property shall be divided

into three shares : the son shall receive two shares, and the daughter one share. Debts shall be liquidated in the same proportion. This mode of partition is based on the example of the male and female doves.

# SECTION 308

BOTH HUSBAND AND WIFE DIE WITHIN A SHORT INTERVAL OF EACH OTHER LEAVING NO HEIR BELONGING TO THE THREE PREVIOUS OR THE THREE SUBSEQUENT GENERATIONS RIGHT OF THE SIX RELATIVES OF THE HUSBAND AND THE SAME NUMBER OF RELATIVES OF THE WIFE TO INHERIT THE ESTATE OF THE DECEASED.

Both husband and wife die within a short interval of each other leaving no child, grandchild, or great-grandchild. The six relatives of the husband and of the wife, namely, the mother's elder and younger sisters, her elder brother, the father's elder and younger brothers and his elder sister, shall inherit the respective hereditary property of the husband and wife. The property acquired jointly shall be divided equally between the six relatives of the husband and the six relatives of the wife. Dhamma.

The husband and wife die without leaving any child, grandchild, or great-grandchild. Their parents have also predeceased them. The six relatives of the husband are entitled to the property brought by him to the marriage, and the six relatives of the wife to that brought by her to the marriage. The six relatives mentioned above are the following.— Manugyā.

The mother's elder and younger sisters, her elder brother, the father's elder and younger brothers, and his elder sister.

If the husband and wife die almost simultaneously or within a short interval of each other, partition of the hereditary property of each shall be made as indicated in the above extract. The property acquired jointly shall be divided equally between the six relatives of the wife and the six relatives of the husband. Debts, if any, shall be liquidated similarly. Ditto.

If there is not even a casually adopted son, the relatives of the deceased (couple) are entitled to inherit. Vapnand.

If there is no co-heir, the relatives of the deceased, such as the father's elder and younger brothers, the mother's elder brother, &c., are entitled to inherit.

**Rājabala.** If the husband and wife who are childless die without leaving brothers, or sisters, or parents, or grandparents, then their relatives are entitled to inherit in the following manner —

The six relatives of the husband shall receive the property brought by the husband to the marriage, and the six relatives of the wife that brought by her to the marriage. The relatives of both are equally entitled to the property acquired by them jointly.

**Sōnda.** In the absence of a child, natural or adopted, or a grandchild, the relatives shall inherit.

**Manu.** In the absence of heirs, the following six relatives of the deceased husband and wife are entitled to inherit their estate, namely :—

The father's elder and younger brothers, his elder sister, the mother's elder and younger sisters, and her elder brother.

**Ditto.** If the husband and wife both die within a short interval of each other, there being not even a month's interval between the two deaths, the relatives of the husband and of the wife shall divide the estate of the deceased equally between them.

**Pāpañ.** In the absence of heirs, the relatives of the husband shall receive his separate property, and those of the wife her separate property.

**Dāyājja.** In the absence of heirs, the six relatives of the husband shall receive the property brought by him to the marriage, and the six relatives of the wife that brought by her to the marriage.

**Ditto.** [Substantially the same as the first extract from Manu.]

**Ditto.** If the husband and wife both die within a short interval of each other, the relatives of the husband and those of the wife shall divide the estate of the deceased equally between them.

**Amwebōn.** The husband and wife die (within a short interval of each other) leaving no offspring or co-heirs. Their parents and grandparents have also predeceased them. Then the six relatives of the husband are entitled to the property brought by him to the marriage, and the six relatives of the wife to that brought by her to the marriage.

The six relatives are the following :—

The mother's elder and younger sisters, her elder brother, the father's elder and younger brothers and his elder sister.

**Ditto.** [Substantially the same as the second extract from Manugyè.]

**Cittara.** If the husband and wife have no natural child, and if the casually adopted child lives apart from them, then the relatives of the hus-

band shall receive the property brought by him to the marriage, and those of the wife that brought by her to the marriage

If the relatives of the deceased husband and wife both perform *Cittara*. the funeral rites they shall divide the estate equally between them. Debts, if any, shall also be liquidated equally.

[Substantially the same as the first extract from *Amwe-bôn*. Ditto.]

### SECTION 309

BOTH HUSBAND AND WIFE DIE SOME TIME AFTER EACH OTHER LEAVING NO HEIR BELONGING TO THE THREE PREVIOUS OR THE THREE SUBSEQUENT GENERATIONS. RIGHT OF THE SIX RELATIVES OF THE HUSBAND AND THE SAME NUMBER OF RELATIVES OF THE WIFE TO INHERIT THE ESTATE OF THE DECEASED

If either the husband or the wife dies first, and then after the *Dhamma*. lapse of some time the other dies (leaving no offspring), the six relatives (enumerated in *Dhamma* in section 308) of the person who dies last shall inherit the whole of the estate of both the deceased. Debts, if any, shall be liquidated also by them. The six relatives of the person who dies first shall have the right of pre-emption as regards his or her hereditary property.

If both husband and wife die some time after each other (leaving *Manugyè*. no offspring), the whole of the property shall be deemed as the property of the person who dies last, and his or her relatives alone shall inherit it. The relatives of the person who dies first shall, however, have the right of pre-emption as regards his or her hereditary property.

Some time after the death of either the husband or the wife, *Manu*. the other also dies. The relatives of the first deceased shall not inherit, but they shall have the right of pre-emption if the relatives of the second deceased who are entitled to inherit the estate choose to dispose of it.

On the death of either the husband or the wife, the survivor *Dāyajā*. alone shall inherit, and the relatives of the deceased shall have no claim upon the estate of the husband and wife. On the death of the survivor, his or her relatives alone are entitled to the whole of the estate, and the relatives of the person who predeceased have no claim on the estate; because they are considered as relatives during the period of their wedded state only. The relatives of the survivor shall divide the estate equally among them.

**Dāyajja.** If the husband predeceases the wife for some time, the relatives of the former shall not inherit the estates of the deceased, the right devolving on those of the latter. If, on the other hand, the wife predeceases the husband, the relatives of the former shall not inherit the estate of the deceased, the right devolving on those of the latter. On the death of either the husband or the wife, the survivor inherits; and on the death of the survivor, his or her six relatives shall inherit the whole of the estate. If they wish to sell the estate, preference should be given to the relatives of the person who has predeceased as regards his or her hereditary property.

**Ditto.** The six relatives of the wife or the six relatives of the husband are entitled to inherit the estate of the deceased husband and wife according as the former survives the latter or the latter survives the former.

**Amwebôn.** [The same as Manugyè, but with the additional provision that debts, if any, shall be liquidated similarly.]

**Cittara.** The relatives of the wife are entitled to succeed to the estate of the deceased husband and wife if she survives her husband, and those of the husband are entitled to succeed if he survives the wife.

**Ditto.** If the husband and wife both die some time after each other, the relatives of the survivor shall inherit the whole of the estate, and those of the person who pre-deceased shall have the right of pre-emption as regards his or her property. Debts, if any, shall be liquidated by the inheritors.

#### SECTION 310.

#### RELATIVES OF PREVIOUS GENERATIONS WHO ARE NOT ENTITLED TO INHERIT.

**Mano.** A deceased person's grandparents and his or her father's elder and younger brothers are not entitled to inherit the estate of the deceased. In the first place, his or her child is entitled to inherit. In the absence of a child and also of a grandchild, the publicly adopted child (*kittima*) shall inherit. On the failure of even such child, a casually adopted (*apatiffha*) child shall inherit.

**Ditto.** In the absence of parents of a deceased person, his or her grandparents, and father's elder and younger brothers, shall not inherit his or her estate. In the first place, a child is entitled to inherit. In the absence of a child, a grandchild is so entitled. In the absence of the latter, a publicly adopted child is entitled to inherit. In the absence of the last named, a casually adopted child (*posita-putta*) is entitled to inherit.

On the failure of heirs enumerated above, the relatives are entitled to inherit.

A gift made by grandparents to their children or grandchildren *Mānussaika* shall not be resumed by way of inheritance on the death of the donees. Because, a calf obtains its milk from the cow and not the cow from the calf.

On the death of the parents, the children are the natural heirs. *Pyu*. The elder relatives such as grandparents, father's younger brother, mother's elder sister, &c., are not entitled to inherit. In the absence of a child, a grandchild shall inherit. In the absence of the latter, a publicly adopted child (*kittima*) shall inherit. In the absence of the last named, a casually adopted child (*posāvaniya-putta*) shall inherit. On the failure of the heirs enumerated above, the relatives shall inherit.

The children are the natural heirs of the parents. A deceased *Vuāsa* person's grandparents, great-grandparents, the father's elder and younger brothers and the mother's elder and younger sisters, are not entitled to inherit the deceased's estate.

[The same as the above extract except that it mentions that the estate shall be inherited by the deceased's children or children-in-law or grandchildren.] Ditto.

[The same as the first extract from Mano.] Kaingza.

On the death of a person, his or her parents, or grandparents, shall not inherit his or her estate. His wife or her husband, or his or her child or grandchild, is entitled to inherit. Because, the water in a river never flows back to its source. *Yazathat, 1st & 2nd extracts.*

On the death of children living apart from their parents, their estate shall not be inherited by their parents or grandparents, but by their wives or husbands or children. Ditto.

Children are the natural heirs of their parents. *Dhammathatkyaw.*

Parents shall not inherit the estate of their children who themselves have children. Ditto.

On the death of a pupil-teacher, the head teacher shall not inherit the deceased's estate, but the pupils shall. Ditto.

Natural children are the heirs of their parents. In the absence of natural children, a publicly adopted child shall inherit; and in the absence of the latter, a casually adopted child shall inherit. Ditto.

**Dhamma.** The rule whereby elder relatives shall not inherit is as follows :—  
On a co-heir dying childless, his or her younger brothers and sisters are entitled to inherit, but not his or her elder brothers and sisters.

**Manugyè.** The rule whereby elder relatives are debarred from inheritance is as follows :—

The co-heirs live apart from one another. One of them dies without leaving a wife or a husband or a child. His or her estate shall be partitioned among his or her younger brothers and sisters, but not among the elder co-heirs.

**Kandaw.** [Substantially the same as the first extract from Mano.]

**Tejo.** [Substantially the same as the first extract from Mano.]

**Vanna-dhamma.** [Substantially the same as the first extract from Mano.]

**Vannanā.** On the death of parents, children are entitled to inherit their estate. The deceased's grandparents, great-grandparents, the father's elder and younger brothers, and the mother's elder and younger sisters are not entitled.

**Rāst.** Children alone shall inherit the estate of their deceased parents. The deceased's grandparents, great-grandparents, the father's elder brother, and the mother's younger sister shall not inherit.

**Ditto.** A great-grandchild, a great-grandchild's child, and a child of the last named, are entitled to inherit.

**Ditto.** [Substantially the same as the first extract from Mano.]

**Vinicchaya.** On the failure of children, a grandchild or a great-grandchild is entitled to inherit according to his or her respective rights. This rule is laid down by Mānussika, and it should be considered in conjunction with the other rules laid down elsewhere.

**Manu-vannanā.** [The same as the first extract from Mano.]

**Ditto.** Parents shall not inherit the estate of their children who live apart from them. The water in a river never flows towards its source.

**Rājabala.** The rule whereby younger brothers and sisters come in for a share of their elder brother's or sister's estate is as follows :—

A couple live apart from their parents and die childless. The younger brothers and sisters of the deceased are entitled to inherit the deceased's estate, but not their parents and elder brothers and sisters. The estate of a deceased person shall not be inherited by his or her elder relatives.

[The same as Pyu, except that it does not mention any- Sônda.  
thing about relatives inheriting the estate.]

The co-heirs live apart from one another after each has received **Manu**. his or her share of inheritance. On the death of any of them, his or her estate shall be inherited by his or her younger brothers and sisters, but not by the elder brothers and sisters or other elder relatives.

On the death of a person, his or her grandparents, great-grand- **Pânash**. parents, and the father's elder and younger brothers, are not entitled to inherit his or her estate. In the absence of children, a publicly adopted child shall inherit; and in the absence of such child, a casually adopted child shall inherit.

The co-heirs live apart from one another. On the death of any **Ditto**. of them without heirs his or her younger brothers and sisters shall inherit the estate.

On the failure of children, natural or publicly adopted, a casually **Kungya-**  
adopted child shall inherit the estate of his or her adoptive parents. **linga.**

On the death of a person, his or her grandparents, great-grand- **Warulinga.** parents, and the father's elder and younger brothers are not entitled to inherit his or her estate, just as the water in a river never flows towards its source, or as the cow does not draw milk from her calf. The children of the deceased shall inherit the estate. In the absence of a child or a grandchild, a publicly adopted child (*kittima*) shall inherit, and in the absence of the latter, a casually adopted child (*apatittha*) shall inherit.

[The same as Manugyè]

**Amwebôn.**

Children alone shall inherit the estate of their parents. The **Cittara.** parents' grandparents, great-grandparents, and the father's younger brothers are not entitled to inherit the estate.

On the death of a person whose parents or grandparents have **Kyetyo.** predeceased him or her, and whose children and grandchildren are all dead, his or her great-grandchildren shall inherit his or her estate.

Children alone are entitled to the property of their parents. **Ditto.**

[The same as the second extract from Vilâsa.]

**Ditto.**

On the death of parents, their children shall inherit their estate; **Kvannet.** failing children, grandchildren or great-grandchildren shall inherit. Failing even grandchildren or great-grandchildren, the descendants of the father's brothers, and those of the mother's sisters

shall inherit. In partitioning the estate, the father's property shall be separated from the mother's.

**Kyannet.** On the death of a man, his child shall inherit his estate, and not his grandfather and other elder relatives, such as his father's elder and younger brothers. An estate shall be inherited by the owner's grandchild or great-grandchild, and not by the relatives, such as brothers, sisters, the mother's elder brother, the father's elder brother, &c. But in the absence of children or grandchildren, relatives may inherit.

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#### SECTION 311.

#### RELATIVES OF PREVIOUS GENERATIONS WHO ARE ENTITLED TO INHERIT.

**Mano.** On the death of a person leaving not even a casually adopted son, his or her parents may inherit.

**Ditto.** In the absence of other relatives, the grandfather and paternal uncles succeed to the estate of a deceased person.

**Pyu.** In the absence of other relatives, the father's younger brother, the mother's elder brother, and the grandfather are entitled to inherit.

**Vilāsa.** In the absence of descendants, the parents are entitled to inherit.

**Ditto.** On the death of a person leaving no offspring, his or her parents are entitled to inherit.

**Ditto.** Failing descendants, the parents are entitled to inherit.

**Kaingza.** [The same as the first extract from Mano.]

**Yazathat.** If the deceased person leaves no wife, children, or grandchildren, his parents or grandparents or great-grandparents are entitled to succeed to the estate. It is natural for sea-water to flow back into the ocean after entering rivers and streams.

**Ditto.** If the deceased person leaves no wife, children, grandchildren or other descendants, his parents, grandparents or other relatives of previous generations are entitled to succeed to the estate.

When lakes are full, the overflow is returned to rivers and streams, and tidal water always flows back to the ocean.

**Ditto.** If the deceased leaves no wife, children, grandchildren, or other descendants, his parents, grandparents, or other relatives of previous generations are entitled to succeed to the estate.

**Dhamma-thakkyaw.** If a deceased person leaves no children and has no parents living, the grandparents or other surviving relatives succeed to the estate.

Failing descendants, the parents are entitled to inherit.

Dhamma-  
thatkyaw.  
Dhamma.

If a deceased person has neither co-heirs nor descendants, his or her parents shall inherit the estate. In the absence of parents and other relatives, the estate devolves upon the grandparents.

The general rule is that relatives of previous generations shall not inherit the property of their descendants. But if a person dies leaving neither wife, children, brothers nor sisters, his parents become his sole heirs.

This rule is based on the fact that the Buddha, who stood in a quasi-parental relation to his disciples, had the right to accept gifts made in their favour. Similarly in the absence of parents, brothers, sisters, and children, grandparents become the sole heirs.

In the absence of all other heirs, the six relatives of the husband and of the wife succeed to the estate. But if grandparents are living, their claim overrides that of the six relatives. The water brought down by all rivers and streams must eventually flow into the ocean.

In the absence of all descendants, the parents shall inherit the estate.

[The same as the first extract from Mano.]

Tejo.

[The same as the first extract from Mano.]

Vanna-  
dhamma.  
Vappanā.

On the death of a person leaving no descendants, his or her parents may inherit.

Failing children, the parents or brothers and sisters of the deceased are entitled to inherit.

Ditto.

Failing descendants, the parents inherit the estate.

Rāst.

[Substantially the same as the first extract from Mano.]

Ditto.

Failing even an *apatilḥha* or casually adopted son, the parents or co-heirs are entitled to inherit.

Manu-  
vappanā.

In the absence of wife and children, the parents inherit. Why so? Because, of the water which flows into the sea a portion returns up the river.

Ditto.

In the absence of husband or wife, children, and brothers or sisters, the parents are entitled to inherit.

Rājāsala.

If a person dies leaving no husband or wife, children, parents, or brothers and sisters, the grandparents are entitled to inherit the entire estate of the deceased.

Ditto.

- Sônda.** [The same as Pyu.]
- Manu.** If children living apart from the parents die leaving neither heirs nor co-heirs, their parents inherit the estate.
- Pânañ.** Failing other relatives, the parents are entitled to inherit.
- Ditto.** It is only in the absence of sons or younger brothers that elder brothers or parents are entitled to inherit.
- Kungya-linga.** In the absence of other relatives, the parents are entitled to inherit.
- Ditto.** If children or grandchildren have no wives, children or grandchildren, their parents, grandparents, or other relatives shall inherit.  
Water which flows into the ocean from rivers and streams, finding no further outlet, flows to and fro in the ocean itself.
- Warulinga.** In the absence of sons including those publicly or casually adopted, the parents are entitled to inherit.
- Amwebôn.** [The same as Manugyè.]
- Cittara.** In the absence of heirs, parents, grandparents, or other relatives are entitled to inherit.
- Ditto.** [Substantially the same as Manugyè.]
- Kyetyo.** Failing heirs, the parents are entitled to inherit.
- Ditto.** In the absence of other relatives, the parents are entitled to inherit.
- Kyannet.** In the absence of wife and children, the parents are entitled to inherit the estate of their son. In the same manner in the absence of heirs, brothers may succeed one another.

## SECTION 312.

GRANDPARENTS, GREAT-GRANDPARENTS AND THE FOUR OTHER KINDS OF RELATIVES, AS WELL AS GREAT-GRANDCHILDREN, GREAT-GRANDCHILDREN'S CHILDREN, AND THE CHILDREN OF GREAT-GRANDCHILDREN'S CHILDREN MAY INHERIT, IF NONE OF THE PARENTS, BROTHERS AND SISTERS, CHILDREN AND GRANDCHILDREN SURVIVE.

- Vannand.** The noble Rishi has not said that on the death of a person his or her great-grandchildren are entitled to inherit the estate, neither has he said that the great-grandchildren's children and the children of the last named can inherit.

On the death of a person leaving no immediate heirs (such as *Vaṇṇanā*, children, parents, brothers or sisters), his or her grandfather, great-grandfather, paternal uncles, and maternal aunts are not entitled to inherit the estate of the deceased. Neither is his or her great-grandchild so entitled, nor the great-grandchild's child and the child of the last named. So says Rishi Manu.

A deceased person's great-grandchild, the great-grandchild's *Rāst*, child, and the child of the last named can inherit his or her estate.

[Substantially the same as the second extract from *Vaṇ-Manu-nanā*, except that a descendant in the sixth generation counting from the child is also mentioned as one who is not entitled to inherit. *vaṇṇanā*.]

On the death of a person who lives apart from the parents, *Manu*, leaving no heirs, or co-heirs, his or her grandparents are entitled to inherit his or her estate only in the absence of the parents.

[Substantially the same as the second extract from *Vaṇ-Kyetyo-ṇanā*.]

### SECTION 313.

CHILDREN BORN OF A MARRIAGE CONTRACTED WITHOUT PARENTAL CONSENT CANNOT INHERIT THEIR PARENTS' SHARE OF INHERITANCE OUT OF THE UNDIVIDED ESTATE OF THEIR GRANDPARENTS.

Children born of a marriage contracted without parental consent *Dhamma*, cannot inherit the share of inheritance to which their deceased parents are entitled out of the undivided estate of their grandparents, by the former surviving the latter. Such share reverts to the estate for the benefit of the co-heirs.

[Substantially the same as *Dhamma*.]

*Manugṇṇ*.

[Substantially the same as *Dhamma*.]

*Amwobōn*.

Children born of a marriage contracted without parental consent shall not inherit the share to which their parents are entitled out of the undivided estate of their grandparents, by the former dying after the latter, but before the partition of the latter's estate. Because, the couple have married against the advice of their parents. *Cittara*.

## CHAPTER XVIII.

RIGHT OF STRANGERS TO INHERIT TO THE EXCLUSION OF PARENTS, HUSBAND OR WIFE, CO-HEIRS, AND OTHER RELATIVES.

## SECTION 314.

THE PARENTS NOT BEING SUPPORTED BY THEIR CHILDREN, TAKE SHELTER WITH A STRANGER TO WHOM THEIR PROPERTY IS ALSO ENTRUSTED. ON THEIR DEATH THE STRANGER HAS THE RIGHT TO INHERIT THEIR ESTATE.

Pyu.

The parents or grandparents make over the whole of their property to, and is supported and maintained by, a stranger and buried by him or her on their death. Then the children or grandchildren are precluded from inheritance in favour of the stranger.

The following is a precedent :—

In times past, a rich man in Benares performed the ceremony of placing his infant son in a cradle and that of naming him simultaneously. During the ceremony he made a gift of a jewelled ring valued at a lakh of ticals of silver, and had it strung round the child's neck. On the son's attaining the age of seven years he was initiated into the holy Order as a novice, and at the age of twenty-five years he was ordained a *rahan*. He then had the ring concealed between the folds at the border of his robe. Taking the proper utensils of a monk he went on a journey, but before he arrived at his destination he fell ill and was obliged to take shelter in a monastery about midway on his journey. His condition growing worse he was carefully attended to by the *rahan* in charge of the monastery. Having lost all hopes of his recovery he informed the *rahan* who attended on him, of his valuable possession concealed in the folds of his robe and died not long afterwards. The *rahan* who attended on him during his illness cremated the corpse, picked up the unburnt bones and kept them with him. In course of time the father of the deceased hearing of his son's death, followed up the journey and eventually arrived at the monastery where his son breathed his last. He enquired of the *rahan* in the monastery and was informed of what had happened. The rich man wept and asked the *rahan* whether he had the precious ring which was in his son's possession. The *rahan* admitted that he had the ring with him. The rich man demanded that it should be made over to him, but the demand was refused. He then went to the Buddha and narrated the whole of the circumstances from the making of the gift of the ring leading up to the refusal of the *rahan* to give it up. The *rahan* also narrated all the incidents from the time of the deceased's taking shelter

in his monastery to that of the preservation of his bones. The Lord Buddha decided that the person who attended on the deceased during sickness and buried him on death should get the ring.

[Substantially the same as Pyu]

Kungya.

A person is supported and maintained by a stranger instead of by persons who should naturally do so, and dies in the hands of the stranger. The stranger shall then receive the whole of the property in the possession of the deceased. Myingun.

On the failure of children to support and maintain their parents, the latter take shelter with a stranger to whom their property is also entrusted. On their death the stranger is entitled to inherit their estate, but not the children. The following is the precedent. Dhammathatkyaw.

In times past, there lived in Benares a rich man named Dhanaficaya who, being old and infirm after the death of his wife, made over his property to his son and daughter-in-law requesting them to tend and maintain him in his declining years. Being ill-treated by them, he held a bowl of rice in one hand and complained aloud to the King of Benares while the latter was on a progress through the country. The king asked him if he was Dhanaficaya, and on being informed that he was, inquired how he came to be in that needy condition. On being informed of the circumstances, the king seized the whole of the property in the hands of the son and daughter-in-law, and thenceforward kept the rich man well looked after. Therefore children and children-in-law should tend and look after their parents and parents-in-law.

A stranger supports another during illness and buries him on death. The supporter shall then receive the whole of the property in the possession of the deceased whose co-heirs and parents are thus precluded from receiving any portion of it. Decision shall be made in accordance with the rule laid down in the case where a *rahan*, the son of a rich man, was buried by another *rahan*, who succeeded to the property in the possession of the deceased. Dhammathatkyaw.

The rule whereby a stranger may oust an heir from his or her inheritance is as follows:— Manuśyā.

The parents or grandparents make over their wealth to their children or grandchildren who fail to support and maintain them. The original owners can resume their property and give it to any one who maintains and supports them whether he or she is a stranger or a relative.

(The story which follows as a precedent is substantially the same as that in Dhammathatkyaw).

Children who have once failed to support their parents cannot retain the property on their undertaking that they will not henceforth fail in their duty. Neither can they inherit on the death of the parents.

Rāst.

A person supports a stranger as if the latter were his or her parents. On the death of the stranger, the supporter shall inherit the deceased's estate.

[The story related as a precedent is substantially the same as that in Dhammathatkyaw.]

Vinicchaya.	[Substantially the same as Pyu.]
Pakāsani.	[Substantially the same as Pyu.]
Vicchadani.	[Substantially the same as Myingun.]
Sōnda.	[The same as Pyu.]
Amwebōn.	[The same as Manugyè.]
Kyannet.	[Substantially the same as Pyu.]

#### SECTION 315.

A STRANGER SUPPORTS ANOTHER AS HE WOULD HIS PARENTS.  
ON THE DEATH OF THE LATTER, THE FORMER IS ENTITLED  
TO INHERIT THE ESTATE OF THE DECEASED

**Dhamma.** The parents make over the whole of their property to their children, but fail to obtain any support from the latter and they are therefore supported either by their co-heirs or by a stranger. On their death the property made over to their children shall be resumed and it shall be inherited by the supporter.

**Manugyè.** If a person is tended during illness and buried on death by a stranger, the whole of the property in the possession of the deceased at the time of death shall be inherited by the stranger, and the parents, co-heirs, or children of the deceased shall have no claim on such property. So says Rishi Manu.

[The story which follows is substantially the same as that in Pyu in section 314.]

**Vappant.** A stranger supports another as he would his parents. On the death of the latter the former inherits.

[The story given here is substantially the same as that in Dhammathatkyaw in section 314.]

**Manugyè.** A person not being supported by those whose duty it is to do so is supported by a stranger. The supporter is entitled to the whole of such property as that person leaves at death.

If a stranger buries another, he or she is entitled to the whole **Manu** of the property which the deceased had in possession at the time of death. The co-heirs shall have no claim to such property.

If children fail to support their parents who are therefore sup- **Pāpam** ported by a stranger, then on the death of the parents, the stranger is entitled to inherit the estate of the deceased

[The same as Manugyè ]

**Amwebôn.**

A person who supports another during his life-time and buries **Cittara** him when he dies, is entitled to inherit the latter's estate though the supporter may be a stranger to the deceased

[The story given here as a precedent is an abstract of that given in **Dhammathatkyaw** in section 314.]

The following is a case in which a stranger who supports another inherits the latter's estate to the exclusion of the latter's heirs. **Kyatyô, 3rd & 4th ex-tracts.**

[The story which follows is substantially the same as that in **Dhammathatkyaw** in section 314 ]

The following is another case in which a stranger who supports another inherits the latter's estate to the exclusion of the latter's heirs. **Kyatyô, 3rd & 4th ex-tracts.**

[The story which follows is substantially the same as that related in **Pyu** in section 314.]

#### SECTION 316

ANY ONE WHO SUPPORTS AND LOOKS AFTER ANOTHER, BOTH IN HEALTH AND SICKNESS, AND ALSO PERFORMS THE BURIAL RITES ON THE LATTER'S DEATH, IS ENTITLED TO INHERIT THE ESTATE OF THE DECEASED.

The following is an instance in which a person who supports another during his life-time and buries him or her on death, is entitled to inherit the property which the latter dies possessed of. **Manusmṛiti**

[The story which follows is substantially the same as that related in **Pyu** in section 314.]

A person supports another while the latter is dependent on, or **Vilasa** during the latter's short residence with, him or her, and performs the burial rites on the latter's death. He or she is entitled to the whole of the property which the deceased was in possession at the time of death.

Whoever supports a deceased person up to the time of his or her death shall inherit the whole of the property in the possession of the deceased, be he a son, relative, or pupil of, or a stranger to, the deceased.

[The story which follows is the same as that related in Pyu in section 314.]

Yasathat.

If a person while on a journey, unaccompanied by any relative falls ill and is tended by a stranger during illness and buried by him or her on his death, then the latter is entitled to inherit the whole of the property of which the deceased was in possession at the time of death. The relatives of the deceased shall have no claim on such property. But if the deceased was accompanied by a relative, the stranger cannot claim to obtain the whole of the deceased's property, but is entitled to have recouped the expenses incurred by him or her.

Myingun.

A person not being supported by those who should naturally do so is supported by a stranger who also buries him or her on death. Then the supporter is entitled to the whole of the property of which the person dies possessed.

[The story which follows is substantially the same as that in Pyu in section 314.]

Dhāmīna-  
chatkyaw.

The general rule is that besides the parents, children, and grandchildren of the deceased husband and wife, their paternal uncles, maternal aunts, maternal elder uncle, great-grandchildren, great-grandchildren's children, and children of the last named shall not succeed to the deceased's estate. But great-grandparents, grand-parents, paternal uncles, maternal aunts, maternal elder uncle, great-grandchildren, great-grandchildren's children, and children of the last named, being within the seven degrees of relatives are yet entitled to inherit; and even those living together with the deceased, or those who performed the burial rites are entitled to proportionate shares out of the deceased's estate. The reason is that those who are within the seven degrees of relationship are equally liable to punishment for any offence committed by any of their members; those who live together, though not relatives of the deceased are yet equally liable to any civil action on account of debts incurred, or wrong committed by the deceased; and lastly those who support the deceased when living, and perform the burial rites when they die, are eligible to succeed to their estate and liable to liquidate their debts, if any.

Dhā.

In the absence of children, natural or adopted, those who live together and support the deceased shall succeed to his estate and also liquidate his debts, if any. There shall be no escheat in such a case.

If the husband and wife live with one of their relatives, and if the latter supports them and buries them when they die, he or she shall succeed to their estate.

[Substantially the same as Dhamma.]

Manugyè.

If a person supports another when living and performs the burial rites on his death, the supporter shall succeed to the property in the possession of the deceased at the time of death, whether he is a pupil or relative of, or a stranger to, the deceased.

If a person supports another during his life time and performs the burial rites on his death, the supporter shall succeed to the estate of the deceased, whether he is a pupil, son or relative of, or a stranger to, the latter. (The story which follows as a precedent is substantially the same as that in Pyu in section 314).

The case in which strangers can inherit is as follows. — If a person dies without any heir, those who support him as well as those who perform the burial rites on his death can inherit his estate. Even if heirs be living, if his death occurs in a distant land the person who supports the deceased and performs the burial rites is entitled to the whole of his property left at the time of his death.

If a person dies while living with one of the relatives and is buried on his death by the latter, then shall the whole of his estate be inherited by the relative who lived with, and buried him.

A stranger who supports another during illness and performs the burial rites on his death shall receive the property of which the deceased was in possession at the time of death.

[The same as Manugyè.]

Amwathè.

## SECTION 317.

STRANGER DIES WHILE LODGING IN A HOUSE. THE HOST WHO PERFORMS THE BURIAL RITES, IS ENTITLED TO THE PROPERTY OF THE DECEASED FOUND IN HIS POSSESSION.

The parents or grandparents make a gift to their children or grandchildren. The latter take the gift and fall ill while lodging with a stranger in a distant land, and subsequently die there. The host who supported and tended the deceased during their illness, and performed the burial rites on their death, is entitled to the property of which the deceased were in possession at the time of death; and their parents or co-heirs shall have no claim on such property. [The story which follows as a precedent is the same as that in Pyu in section 314.]

If the host attends upon a lodger during illness, and performs the burial rites on his death, the former is entitled to the whole of the

property of which the latter was in possession at the time of his death.

Rāst.

[Substantially the same as Vanṇanā.]

Manu-

vanṇanā.

If a stranger dies from injuries received at the hands of another person while lodging above a granary, (and if the owner of the granary performs the burial rites), he is entitled to the whole of the compensation due to the deceased from the offender. But if the deceased is lodged beneath the granary, the compensation shall be shared equally between the owner (and the wife and children of the deceased).

If a stranger dies while being lodged in a house, the owner of it is entitled to the whole of the property which the deceased has in possession at the time of death.

If theft of a stranger's property occurs while he is lodging in a house, the host is entitled to half the compensation obtained for the theft.

Pāṇāh.

If the host attends on a lodger during illness, and performs the burial rites on his death, the former is entitled to the whole of the property of which the latter was in possession at the time of his death. The parents shall have no claim on such property.

Kungya-  
linga.

If the host attends on a stranger during illness, and performs the burial rites on his death, the former is entitled to the whole of the property of which the latter was in possession at the time of his death. (The story which follows as a precedent is an abstract of that in Pyu in section 314.)

Dhamma-  
sāra.  
Cittara.

[Substantially the same as Manuvāṇṇanā.]

[Substantially the same as Kungyalinga.]

Ditto.

If the host attends on a stranger during illness, and performs the burial rites on his death, the former is entitled to the whole of the property of which the latter was in possession at the time of his death. The parents and the relatives shall have no claim on such property. [The story mentioned in Pyu in section 314 is quoted.]

### SECTION 318.

A STRANGER WHILE LODGING IN A HOUSE OBTAINS COMPENSATION FOR A WRONG. THE HOST IS ENTITLED TO A SHARE OF SUCH COMPENSATION.

Manu-

vaṇṇanā.

A stranger while lodging in a house is ill-treated by another, and sustains serious injuries, or dies in consequence of the ill-treatment.

The host is entitled to half the compensation which the stranger may obtain.

If a stranger while lodging in a house receives injuries at the hands of another person, the compensation obtained by him from the offender shall be shared between him and the owner of the house. The same rule holds good in the case in which the stranger is compensated in a law court for a false accusation brought against him by another person Dhamma-sāra.

### SECTION 319.

ONE PERSON FEEDS AND ANOTHER ADMINISTERS MEDICINE TO A SICK PERSON BOTH EQUALLY SHARE THE *KOBO* OF THE SICK PERSON

One person feeds and another administers medicine to a sick person. On his recovering his health, the two persons are entitled to receive his *kobo* and share it equally between them. Thus shall a wise judge decide Manu-vaggaṇā.

A person falls ill while lodging in another's house and is cured by a physician who attends on him. Any money received for medical attendance shall be divided equally between the physician and the host. Dhamma-sāra.

## CHAPTER XIX.

PARTITION BETWEEN PARENTS-IN-LAW AND CHILDREN-IN-LAW.

### SECTION 320.

ON THE DEATH, WITHOUT ISSUE, OF CHILDREN LIVING WITH THE PARENTS, PARTITION BETWEEN THE PARENTS AND THEIR CHILDREN-IN-LAW.

If the wife dies in the house of her parents, the latter shall retain her share of inheritance in their estate as she has worked for their benefit. Māna.

If the wife dies while the couple are living with her parents, the husband shall have no claim on her property which devolves upon her parents. But if she leaves a child, he or she shall inherit the property. Pya.

A daughter is given in marriage after receiving bridal presents. If she dies childless in her parents' house, the parents are entitled to the whole of her property, and her husband shall have no claim Kāṇḍa.

to it, because the parents still retain control over a daughter living with them.

Kalinga.

[The same as Mano.]

Dhamma-  
thatkyaw.

The parents give their son and daughter in marriage giving them gold, silver and clothes as dowry. The young couple live in the house of the girl's parents, where the young man dies before any child is born. The young widow continues to live with her parents, but does not survive her husband long. The girl's parents are entitled to the property of both the deceased, and the parents of the young man have no claim on it. If they leave any offspring, the child or children alone shall succeed to the property.

Dhamma.

On the death of children living with the parents, the rule of partition between the parents and their children-in-law is as follows:—

If the children die childless, the children-in-law shall receive their separate (*payin*) property, and the marriage portion (*kanwin*) as well as any other property given and delivered into their possession. The parents have no claim on them, but they are entitled to retain any property entrusted to them by their children and children-in-law. The children-in-law shall have no claim on the share of inheritance to which the children are entitled out of the parental estate. As regards property acquired jointly during the marriage, the parents and their children-in-law shall divide it equally between them.

Manugyā.

Children die while they and their husbands or wives are living with their parents. The rule of partition between the parents and their children-in-law is as follows:—

If a daughter dies childless, her husband shall receive the animate and inanimate property given as dowry as well as the whole of the property which constitutes the marriage portion (*kanwin*) and such other property given them and delivered into their possession. The parents shall have no claim on them.

Ditto.

But the husband is not entitled to any of the deceased's property entrusted to her parents prior to her marriage. The parents shall have the right to retain it. On the other hand, if the property was entrusted subsequent to the marriage, it shall be divided equally between the parents and their son-in-law.

Ditto.

The same rule shall, *mutatis mutandis*, apply to partition between the parents and their daughter-in-law when the son who lives with his parents dies childless.

Uthah.

The rule of partition between parents and children-in-law is as follows:—

The daughter dies while she and her husband are living in the house of her parents. The son-in-law is entitled to the pro-

perty given by the parents to their daughter and delivered into her possession, and also to that brought by him to the marriage. The parents shall retain the deceased's property entrusted to them. That acquired subsequent to the marriage shall be divided equally between the parents and their son-in-law.

A daughter dies while living in her parents' house with her husband. The parents are entitled to retain her share of inheritance in their estate as she has worked for their benefit. Kandaw.

A daughter who has worked for the benefit of her parents dies while living with her husband in her parents' house. Her parents shall retain the property in their hands, and her husband that which is in his possession. Vappa-dhamma.

On the death of children living with their parents, their property shall be divided equally between their parents and their husbands or wives. Ditto.

[The same as Pyu ]

Sōnda.

If a daughter dies while she and her husband are living with her parents, the husband is entitled to the whole of the property given to his wife by her parents, as well as the whole of the marriage portion (*kanwin*), and to one-half of the profits which accrue out of his wife's property employed as capital by her parents, or lent out on usury by them. Manu.

The same rule shall, *mutatis mutandis*, apply to partition between the parents and their daughter-in-law if the son dies while he and his wife are living with his parents. So say the excellent Rishis.

If children die while they and their wives or husbands are living with their parents, the latter are entitled to the whole of their children's property as well as that of their children-in-law; because, the children and their wives or husbands live and eat with their parents. Ditto.

If a married child dies in the house of his or her parents, the latter are entitled to retain the deceased's share of inheritance in their estate. Pāṇḍ.

If a daughter dies childless, while she and her husband are living in her parents' house. the husband is entitled to the marriage portion (*kanwin*), as well as the property given them and delivered into their possession, and to one-half of the profits, if any, accruing out of their property in the hands of her parents. Ditto.

If a son dies childless while he and his wife are living together with his parents, the property belonging to the deceased and his Kungra-linga.

wife shall be divided into four shares: the parents shall receive one share, and the daughter-in-law three shares.

Kungya-  
linga.

The same rule shall, *mutatis mutandis*, apply to partition between the parents and their son-in-law when a daughter dies childless while she and her husband are living together with her parents.

Dāyajja.

If children die childless while they and their husbands or wives are living together with their parents, the husbands or wives are entitled to the marriage portion (*kanwin*), the deceased's separate property, and such other property given to the deceased and delivered into their possession, because husband and wife are heirs to each other; but they are not entitled to the property of the deceased which was entrusted to the parents.

Amwəbōn.

Children die while they and their husbands or wives are living with their parents. The rule of partition between the parents and their children-in-law is as follows:—

If a daughter dies childless, her husband shall receive the animate and inanimate property given as dowry, and the property given to her as her separate or *thinthi* property, as well as the whole of the property which constitutes the marriage portion (*kanwin*), and such other property given them and delivered into their possession. The deceased parents shall have no claim on such property.

Ditto.

The husband is also entitled to the property brought by him to the marriage, but shall not be entitled to any of the deceased's property entrusted to her parents prior to her marriage; the parents shall have the right to retain it. On the other hand, if the property was entrusted subsequent to the marriage, it shall be divided equally between the parents and their son-in-law.

Ditto.

The same rule shall, *mutatis mutandis*, apply to partition between the parents and their daughter-in-law when the son who lives with his parents dies childless.

Cittara.

If children die childless while they and their husbands or wives are living together with their parents, the husbands or wives are entitled to the marriage portion (*kanwin*) and such other property given to the deceased and delivered into their possession, because husband and wife are heirs to each other; but they are not entitled to the property of the deceased which was entrusted to their parents. The property acquired jointly subsequent to the marriage shall be divided equally between the parents and their children-in-law.

Ditto.

[The above already includes this extract.]

Kyannet.

Children are given in marriage and they and their wives or husbands live together with their parents. On the death of the children

their parents are entitled to the wedding presents, because these have not yet become their separate property, as they have not lived apart from their parents. But if the deceased leave offspring, the property shall be held in trust for the same.

If a daughter dies childless, her husband is entitled to one-third of the property given to her.

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SECTION 321.

ON THE DEATH, AFTER HAVING ISSUE, OF CHILDREN LIVING WITH THE PARENTS, PARTITION BETWEEN THE PARENTS AND THEIR CHILDREN-IN-LAW.

[The same as in section 320.]

Pyu.

[The same as in section 320]

Dhamma-  
thatkyaw.

If deceased children living with the parents, themselves leave children, the latter shall inherit on the death of their grandparents. Dhamma.

Rishi Manu says that children of deceased children living with Manugyā, the parents shall inherit their grandparents' estate.

[The same as the above.]

Ditto.

If a deceased daughter living with the parents leaves children, Rājabala, they shall inherit their grandparents' estate.

If a deceased son living with the parents leaves children, they shall inherit their grandparents' estate. Ditto.

[The same as Pyu.]

Sōnda.

If a son, living with the parents, dies leaving children, the property belonging to the deceased and his wife shall be divided into three shares: the parents shall receive one share, the daughter-in-law one, and the children of the deceased one. Kungya-  
linga.

Another rule is that it shall be divided into two shares: the parents shall receive one share, and the daughter-in-law and the deceased's children one.

The same rule shall, *mutatis mutandis*, apply to partition between parents and their son-in-law when the daughter dies, leaving issue, while she and her husband are living with her parents. Ditto.

If children living with the parents die, themselves leaving children, the property belonging to the deceased and their wives or husbands shall be divided into three shares: the parents shall receive one share, the children-in-law one, and the children of the deceased one. Dāyaja.

- Anweḍon.** [The same as the first extract from Manugyè.]
- Ditto.** [The same as the second extract from Manugyè.]
- Cittara.** If deceased children (living with their parents) leave offspring, he or she shall inherit the grandparents' estate.
- Ditto.** [Substantially the same as the above.]

## SECTION 322.

CHILDREN, HAVING OBTAINED THEIR SHARE OF INHERITANCE, LIVE WITH THE PARENTS AND DIE WITH OR WITHOUT ISSUE. PARTITION BETWEEN THE PARENTS AND THE CHILDREN-IN-LAW.

- Dhamma.** Children, having obtained their share of inheritance, live with the parents and die leaving issue. The whole of the property of the deceased and of their wives or husbands shall be divided into three shares: the parents shall receive one share, and their children-in-law and the deceased's children two shares.
- Manugyè.** The parents having partitioned their property among their children live with one of them. On the death of the child, the law of partition between the parents and the child-in-law is as follows:—  
If the deceased leaves no issue, the property of the deceased and his wife or her husband shall be divided into four shares: the parents shall receive one share and the child-in-law three shares. If the deceased leaves issue, the property shall be divided into three shares: the parents shall receive one share, the child-in-law one, and the deceased's offspring one. So says Rishi Manu.
- Rājabala.** [Substantially the same as Manugyè, but with the following additional case ]  
If a daughter dies while she and her husband are living with her parents jointly, the parents are entitled to the whole of the deceased's separate property in their hands and also half the profits accruing therefrom.
- Manu.** The parents partition their property among their children and live with one of their daughters. On the death of the daughter, her parents and her husband shall divide the property of the deceased and her husband equally between them.
- Dāyāja.** The parents partition their property among their children and then live with one of them. On the death of the child the parents and the child-in-law shall divide the property belonging to the deceased and the surviving wife or husband, equally between them.

[The same as Manugyè.]

Amwebôn.

The parents partition their property among their children and live with one of them. On the death of the child leaving offspring, the property of the deceased and the surviving wife or husband shall be divided into four shares: the parents shall receive one share, the surviving wife or husband two shares, and the children of the deceased one share.

Cittara.

## SECTION 323.

CHILDREN, AFTER LIVING SEPARATELY FROM THEIR PARENTS, RETURN TO THEM AND DIE WITH OR WITHOUT ISSUE. PARTITION BETWEEN THE PARENTS AND THEIR CHILDREN-IN-LAW.

Children, after living separately from their parents, return to them and die leaving no issue. The parents are then entitled to one-half of the deceased's property and also to one-half of the slaves brought by the deceased to the parents' house. The reason is that the right which the parents have to the property of their children living with them becomes vested in them again when the children return to their parents' house and die there.

The Manosâra Dhammathat lays down as follows:—

Kungya.

If a child after living separately from the parents, returns to them and dies (leaving no issue), the deceased's property shall be divided equally between the parents and the child-in-law.

[Substantially the same as Pyu.]

Kaingza.

A couple living separately from their parents, have property brought by each to the marriage, as well as that acquired jointly. They return to the house of the wife's parents and the wife dies there. The separate (*payin*) property of the deceased and that jointly acquired shall be divided equally between the parents and the son-in-law. The latter shall, however, retain the whole of his separate (*payin*) property. The above rule applies only to such property as is taken back to the parents' house.

Dhamma.

A daughter living separately from her parents with her husband returns to their house and dies there. The rule of partition between her parents and her husband is as follows:—

Manugyè.

The husband and wife have property brought by each to the marriage, as well as that acquired jointly. The parents of the deceased shall receive the whole of the property taken by her to the marriage and one-half of the property jointly acquired. The son-in-law shall receive the property taken by him to the marriage,

and the remaining half of the property jointly acquired. He shall also receive the whole of the marriage portion (*kanwin*) and such other property given him and his wife and delivered into their possession. If the wife brings no property to the marriage, her parents are entitled to one-half of only such property as is taken to her parents on her return to their house

Manugyā.

A son living separately from his parents with his wife returns to their house and dies there. The rule of partition between his parents and his wife is as follows :—

The couple have property brought by each to the marriage, as well as that acquired jointly. The parents of the deceased shall receive the whole of the property taken by him to the marriage and one-half of the property jointly acquired. The daughter-in-law shall receive the property brought by her to the marriage and the remaining half of the property jointly acquired. She shall also receive the whole of the marriage portion (*kanwin*) and such other property given her and her husband and delivered into their possession. If the husband brings no property to the marriage, his parents are entitled to one-half of such property only as is taken to his parents on his return to their house

Ditto.

Rishi Manu says, "O great king! The law of partition between the parents and their children-in-law is laid down as follows" :—

During the life-time of Dīpankarā Buddha, a rich man's daughter was given in marriage to another rich man's son, and the parents of the bride and bridegroom each gave a dowry of one thousand ticals of silver. The wife accompanied her husband to his parents' house where she became ill. Her parents' took her back to their house to which she was accompanied by her husband. But she having died eventually her parents and her husband both claimed her property. The rival claimants at last came before Brahmādatta, king of Benares. At that time the king had a queen who, though of Brahman origin only, was raised to that high dignity on account of her ability and skill in settling many questions which baffled learned ministers. To her was entrusted the duty of adjusting satisfactorily the claims of the parties. She called her *guru* and told him the facts of the case before the parties themselves. The *guru* examined the parties severally and in private. He asked the parents whether it was the love for their daughter or the desire to inherit her property that moved them to take her into their house for treatment; and he was answered that it was the former feeling which prompted their action, that having had to bury her they incurred expenses, and that they were merely claiming the property which

they had given to the deceased and her husband, to enable them to perform works of merit for the spiritual welfare of their daughter. He then asked the husband whether it was his love for his wife or his wish to inherit her property that made him accompany her to her parents' house; and he was told that it was conjugal love, pure and simple, which directed him to accompany her to her parents, that he had buried her, and that he was merely claiming his wife's property which was already in their possession, for the purpose of performing meritorious works for his wife's future welfare. Having discovered, then, that both claimants were disinterested and unmercenary, and that their claims sprang from noble motives, it was decided that they should share equally the expenses incurred in the burial and in the performance of works of merit, and that the parents should receive one-half of the property which belonged exclusively to their daughter, and that her husband should receive the whole of the remaining property.

The litigants were satisfied with this decision, and nats and men acclaimed their approval. Since then this rule has been followed.

[Substantially the same as Pyu.]

Kandaw.

Children, after living separately from their parents, return to them and die (leaving no issue). The parents are entitled to one-half of the deceased's property as in the case of children living with them. Vappa-dhamma.

Children, after living separately from their parents, return to the parental home and die (leaving no issue). The parents are entitled to one-half of the deceased's property and also to one-half of the slaves brought by the deceased to the parents' house; because the children die in the house of the parents. Rāsi.

A daughter living separately from her parents with her husband, returns to the parental home and dies there. Her parents are entitled to the whole of the property brought by the daughter to their house, and the husband to the whole of the property left with him in his house. Mazuvapana.

*Another rule:*—If a child living separately from the parents returns to them and dies in their house, the animate and inanimate property which the deceased had brought shall be divided equally between the parents and the co-heirs of the deceased.

If a daughter living separately from her parents with her husband returns and dies in their house, the property taken by the daughter to the marriage, as well as that acquired jointly with her husband, shall be divided equally between her parents and her husband. The latter shall receive the whole of the property brought by him to the Rājapala.

marriage as well as the dowry. If the wife brings no property to the marriage, her parents are entitled to one-half of such property only as is brought to their house

**Rajabala.** The above rule shall, *mutatis mutandis*, apply when a son after living separately from his parents, returns to their house and dies there.

**Sōnda.** [The same as Pyu]

**Pānash.** If children living apart from the parents return to the parental home and die there, the parents are entitled to one-half of the property and slaves brought by their children

**Ditto.** A daughter living separately from her parents with her husband returns to the parental home and dies there. Her parents are entitled to the whole of the property taken by her to the marriage, and her husband to his separate property, the marriage portion (*kanwin*) and the dowry. The property jointly acquired and such portion of their property taken by the deceased and her husband to her parents' house, shall be divided equally between her parents and her husband.

**Kungyalinga.** The Manu Dhammathat lays down that if children living apart from their parents return to them and die in their house, the property belonging to the deceased and their wives or husbands, as well as slaves acquired jointly, shall be divided equally between the parents and their children-in-law.

**Dāyajja.** Children living apart from the parents return to them and die in their house without leaving any offspring. Their entire property shall be divided equally between the parents and their children-in-law. If the deceased leave any offspring, he or she is entitled to inherit the estate of the grandparents.

**Ditto.** Children, living apart from the parents on marriage, return to their parents' house and die there. The property brought by the deceased to the marriage and that acquired jointly shall be divided equally between the parents and their children-in-law. The latter shall retain the property brought by them to the marriage and also the marriage portion (*kanwin*). If the deceased do not bring any property to the marriage, that brought by the children-in-law shall be divided equally between them and their parents-in-law.

**Amwebōn.** [The same as the first extract from Manugyè.]

**Ditto.** [The same as the second extract from Manugyè.]

**Cittach.** Children living apart from their parents with their wives or husbands return to the parental home and die there. The children-in-law are entitled to the property brought by them to the marriage, as

well as to the marriage portion (*kanwin*). The property taken by the deceased to the marriage and that acquired jointly shall be divided equally between the parents and the children-in-law. If no property is brought to the marriage by the deceased, they shall divide equally between them only such portion of the property belonging to the deceased and their spouse, as was taken by them on their return to the parents of the deceased. Debts, if any, shall be treated similarly.

#### SECTION 324.

MARRIED CHILDREN LIVE WITH THE PARENTS AND DIE, THE SURVIVING SON-IN-LAW OR DAUGHTER-IN-LAW REMARRIES OR LEAVES THE PARENTS' HOUSE PARTITION BETWEEN THE PARENTS OF THE DECEASED AND THEIR CHILDREN-IN-LAW.

A married daughter lives and dies childless in her parents' house. *Manugyè*. The surviving son-in-law having married again, leaves the parents' house and either live separately or with the parents of the second wife. The son-in-law cannot claim his deceased wife's share of inheritance out of her parents' estate either during their life-time or after their death.

Married children live with the parents and die. The children-in-law cannot claim the share of inheritance of the deceased out of the parental estate if they leave the house of the parents-in-law; they are however entitled to the property entrusted to the latter before the death of their wives or husbands. The reason is that the children predecease their parents. *Rájabala*.

[The same as *Manugyè*.]

*Amwebón*.

#### SECTION 325.

A WOMAN MARRIES A MAN WHOM HER PARENTS DISAPPROVE AND DIES WITHOUT ISSUE. PARTITION BETWEEN HER PARENTS AND HER HUSBAND.

A woman marries a man without her parents' consent. On her death without leaving any offspring, the parents are entitled to her share of inheritance in the parental estate. *Mano*.

[Substantially the same as *Mano*.]

*Mánusókai*

[Substantially the same as *Mano*.]

*Pya*.

A man or woman marries without his or her parents' consent. On the death of the man or woman without leaving any offspring, the

parents and not the survivor shall succeed to the property of the deceased.

**Kaingza.** [The same as Mano.]

**Myingun.** A woman marries a man without her parents' consent. On the death of the husband or wife, the parents of the deceased can resume the property taken by the deceased to the marriage. The survivor is however entitled to the jointly acquired property.

**Dhammathatkyaw.** If a daughter marries without her parents' consent, the parents and not the husband shall succeed to her property on her dying childless ; because she marries without their consent

**Kandaw.** [Substantially the same as Dhammathatkyaw.]

**Tejo.** A woman marries a man without her parents' consent. On her death without leaving any offspring, the parents are entitled to her share of inheritance in the parental estate. The husband is entitled to the property brought by him to the marriage.

**Vaṣṣa-dhamma.** [Substantially the same as Dhammathatkyaw.]

**Vaṣṣanā.** A man and a woman marry notwithstanding their parents' objection to the match. On the death of either of them without leaving any offspring, the parents of the deceased and not the survivor shall succeed to the deceased's property.

**Manuyin.** A couple elope owing to the disapproval of the girl's parents to the match. On the death of either of them, the parents of the deceased can resume the property taken by the deceased to the union. The survivor however is entitled to the property acquired subsequent to the marriage.

**Rāsi.** A daughter marries a man notwithstanding the opposition of her parents to the union. On the death of the daughter without leaving any issue, her parents alone shall succeed to her estate ; because the union is without their consent. Therefore, the Dhammathatliaga says :—“ ထုကညာဏ်မိမိဝိပဿနာ.....ထင်္ဂါဏ်မိမိဝိပဿနာ ”  
The meaning of the quotation is as follows :—

A daughter marries a man without her parents' consent. On the death of the husband or wife, the parents of the deceased can resume the property taken by the deceased to the marriage. The survivor, however, is entitled to the jointly acquired property. If, after the death of the husband, the wife returns to her parents' house and dies there before long, the parents of the deceased husband shall have no claim upon the wife's property to which her parents succeed. ,

The same rule shall, *mutatis mutandis*, apply to cases where after the death of the wife, the husband returns to his parents' house and dies.

A couple marries notwithstanding the opposition of their parents *Vinicchaya*, to the union. On the death of the wife, her parents shall succeed to the whole of the property taken by her to the marriage.

A man marries a woman without her parents' consent. On the death of the wife without leaving any offspring, her parents are entitled to the whole of the property taken by her to the marriage. Her husband is entitled to the whole of the jointly acquired property. *Manu-vanpāna*.

[Substantially the same as *Vinicchaya*.] *Pakāśant*.

A couple marry notwithstanding the opposition of their parents to the union. On the death of either of them, the parents of the deceased are entitled to their property appropriated by the deceased, but are not entitled to the property acquired jointly subsequent to the marriage. *Vicchedaṁ*.

[The same as *Pyu*] *Sōda*.

On the death of either husband or wife without leaving any offspring, the parents of the deceased succeed to his or her estate if the parents did not give their consent to the marriage. *Pāpāṇa*.

If a woman marries a man notwithstanding her parents' objection to the marriage, and dies before any child is born, her parents, and not the survivor, shall succeed to her estate. *Dina*.

[Substantially the same as *Mano*.] *Kyetyo*.

A man marries a woman without giving bridal presents and against her parents' wishes. On the death of the daughter her parents can resume the property taken by her to the marriage. The property acquired jointly shall be inherited by the children of the deceased. *Kyannet*.

*Another rule.*—A woman marries a man without the knowledge and consent of her parents. On the death of the wife before any child is born, her parents are entitled to the property given her by them.

Of the husband and wife, if one murders the other, the parents of the murdered shall succeed to the estate of the deceased.

#### SECTION 326.

THE WIFE DIES WITHOUT ISSUE; THE HUSBAND CANNOT CLAIM THE WIFE'S INHERITANCE FROM HIS PARENTS-IN-LAW.

A child-in-law cannot claim from the parents-in-law the share of the inheritance of his deceased wife or her deceased husband.

- Râsi.** A son-in-law cannot, on the death of his wife, claim as a right to receive the wedding presents. It is at the option of her parents to give or to withhold them.
- Pâqarâ.** A child-in-law cannot claim from the parents-in-law any gift made at the time of marriage if his wife or her husband dies before they obtain possession of it.
- Ditto.** A son-in-law cannot, on the death of his wife, claim to receive the share of inheritance of his wife from her parents
- Amwebôn.** [The same as Manugyè ]
- Kyannet.** [Substantially the same as Râsi ]

## SECTION 327

WHETHER THE PARENTS-IN-LAW MAY RECOVER PROPERTY IN THE HANDS OF THEIR CHILDREN-IN-LAW ON THE DEATH OF THE CHILDREN.

- Dhamma.** The parents cannot, on the death of their son, recover any property appropriated by him and given to his wives who live apart from his parents.
- Râsi.** The parents cannot, on the death of their children, recover any property such as gold, silver, elephants, ponies, cows, &c, given them but left in the possession of the children-in-law.
- Vicchedant.** The parents cannot, on the death of their children, recover any property given to, and delivered into the hands of the deceased who lived apart from them. The husbands or wives and children of the deceased are entitled to succeed to it.
- Manu.** The parents shall not, on the death of their daughter, recover from the possession of the surviving son-in-law, her share of inheritance and such other property given her.
- Pâqarâ.** The parents partition their property among their children and live with a son. On the death of the son without leaving any offspring, the whole estate of the deceased shall be divided into four shares: the parents shall receive one share, and the surviving daughter-in-law three shares.
- Çâra.** The parents shall not, on the death of their children, recover from the surviving children-in-law, the share of inheritance which the deceased obtains on partition.

### SECTION 328.

A MARRIED COUPLE LIVE SEPARATELY FROM THE PARENTS. THE HUSBAND LEAVES HIS WIFE AND RETURNS TO HIS PARENTS. FOR THREE YEARS HE DOES NOT COMMUNICATE WITH HER, OR SUPPLY HER WITH MEANS OF MAINTENANCE. HE DIES : PARTITION BETWEEN HIS WIFE AND HIS PARENTS.

The husband leaves his wife, returns to his parents and for three *Dāyaja* years does not communicate with her or supply her with means of maintenance. On his death his parents are entitled to his clothes, ornaments, and personal belongings.

On such property the wife has no claim as there has been no cohabitation for three years past. So says Rishi Manu.

### SECTION 329.

PARTITION BETWEEN THE PARENTS-IN-LAW AND THEIR CHILDREN-IN-LAW WHOSE BUSINESS CAPITAL IS SUPPLIED BY THE PARENTS-IN-LAW.

A daughter and her husband live with her parents and the latter *Pya* supply them with capital. On the death of the daughter the capital shall revert to the parents and the profits accruing therefrom shall be divided equally between the parents and the surviving son-in-law.

O great king ! The rule of division of property is as follows :— *Waru*. If the parents-in-law supply their son-in-law with capital, the profits accruing therefrom shall be divided between the former and the latter in the proportion of three to one.

If the parents-in-law supply the capital to their son-in-law who *Kainga* lives with them, the former are entitled to the capital as well as the profits accruing therefrom, because the daughter and her husband live with them.

The rule of partition, between the parents-in-law and children-in- *Dhamma* law, of property acquired by them jointly is as follows :—If the capital is supplied by the parents-in-law it shall revert to them. The profits accruing therefrom shall be divided equally between the parents-in-law and the children-in-law.

The rule of partition between parents-in-law and children-in-law *Manu* when the former supply the capital is as follows :—Let the capital revert to its original owners, and let the profits accruing therefrom and the expenses incidental to the business be shared equally by the

parents-in-law and children-in-law. Even if there be no profits let the capital still revert to the former.

The parents cannot be considered as usurers towards their own children, for the property is not lent out but supplied as capital for mutual benefit. So says Rishi Manu.

Kandaw. [Substantially the same as Kaingza.]

Ditto. [Substantially the same as Pyu.]

Vappa-dhamma. [Substantially the same as Kaingza.]

Ditto. [Substantially the same as Pyu.]

Rāst. [Substantially the same as Pyu.]

Manu-vanpanā. If a man trades with capital supplied by his parents-in-law, the latter are entitled to the whole of the capital and the profits accruing therefrom. But if his parents supply the capital the parents-in-law are entitled only to a third of the profits.

Rājabala. [Substantially the same as Kaingza.]

Sōnda. [The same as Pyu.]

Manu. If children-in-law trade with capital supplied by parents-in-law, the capital shall revert to its original owners, and the profits accruing therefrom and the expenses incidental to the business shall be shared equally by the parents-in-law and children-in-law.

Ditto. Children-in-law shall have no claim upon capital supplied by parents-in-law.

Pāpazh. [Substantially the same as Kaingza.]

Ditto. A daughter and her husband live in the house of her parents who also supply them with business capital. On the death of either the daughter or her husband, the survivor is entitled to one-half of the profits.

Warulinga. [Substantially the same as Waru.]

Dhamma-sāra. [Substantially the same as Pyu, but with the additional provision that the rule shall, *mutatis mutandis*, apply to partition between parents-in-law and daughter-in-law.]

Aṇṇabōn. [The same as Manugyè.]

Chāṇṇ. If children-in-law trade with capital supplied by parents-in-law, the capital shall revert to its original owners, and the profits accruing therefrom shall be divided equally between the parents-in-law and children-in-law.

SECTION 330.

PARTITION BETWEEN PARENTS-IN-LAW AND CHILDREN-IN-LAW  
WHEN THE LATTER SUPPLY THE BUSINESS CAPITAL.

If a man trades with his own capital, his parents-in-law are en-Waru.  
titled to one-half of the profits accruing therefrom So says Rishi  
Manu.

If parents-in-law trade with capital supplied by their children-in-Dhamma.  
law, the capital shall revert to its original owners who shall also  
enjoy one-third of the profits accruing therefrom.

The reason is that the parents have control over their children.

[Substantially the same as Dhamma.]

Manugyè.

If a man trades with his own capital or with that supplied by his Vanna-  
parents, the capital shall revert to him and he shall enjoy two-thirds dhamma.  
of the profits accruing therefrom The remaining one-third shall  
be enjoyed by his parents-in-law

If a son-in-law trades with his own capital or with that supplied Manu-  
by other persons, the capital shall revert to the son-in-law and he vappanà.  
shall enjoy one-third of the profits accruing therefrom, while his  
parents-in-law receive the remaining two-thirds; because, the son-  
in-law lives and eats with his parents-in-law

If parents-in-law trade with capital supplied by their son-in-law, Rājabala.  
the capital shall revert to its original owner, and the profits accruing  
therefrom shall be divided between the parents-in-law and the  
son in-law in the proportion of two to one.

If parents-in-law trade with capital supplied by their children-Manu.  
in-law, they are entitled to two-thirds of the profits and their child-  
ren-in-law to one-third.

If a son-in-law who lives in the house of his parents-in-law trade Pāpaka.  
with capital supplied by his parents or by strangers, the parents-in-  
law are entitled to one-fourth of the profits.

[Substantially the same as Manu.]

Dhamu

[Substantially the same as Waru.]

Waru

[The same as Manugyè.]

Manugyè

If parents-in-law trade with property belonging to their children-  
in-law the capital shall revert to its original owners, and the profit  
shall be divided equally between the parents-in-law and children  
in-law.

## SECTION 331.

MARRIED CHILDREN LIVE WITH THE PARENTS; THE CHILDREN-IN-LAW OBTAIN THEIR BUSINESS CAPITAL FROM OTHERS. PARTITION OF THE PROFITS BETWEEN THE PARENTS-IN-LAW AND THEIR CHILDREN-IN-LAW.

**Kaingza.** If a man living with his parents-in-law trade with capital supplied by a relative or friend, the capital shall revert to the son-in-law, while his parents-in-law shall enjoy one-third of the profits accruing therefrom.

**Ditto.** A daughter and her husband live in the house of her parents. If there is disagreement between the parents and their son-in-law, they are at liberty to resume any property given him and their daughter. Because, the parents still retain their control over the property of their daughter and son-in-law living in their house. If, however, the son-in-law trades with capital supplied by his parents, the capital shall revert to him, and he shall give one-third of the profits to his parents-in-law. Because, the capital is supplied by the parents of the son-in-law.

**Kandaw.** [Substantially the same as the first extract from Kaingza.]

**Ditto.** If a man living in the house of his parents-in-law trades with capital supplied by his parents, he shall give one-third of the profits to his parents-in-law.

**Vanna-dhamma.** If a son-in-law trades with borrowed capital, it shall revert to him, while a third of the profits shall be given to his parents-in-law.

**Rājabala.** If a man living with his parents-in-law trades with his own capital or with that supplied by other persons, the profits accruing therefrom shall be divided between him and his parents-in-law in the proportion of two to one.

**Mama.** Children-in-law living with their parents-in-law trade with their own capital or with property given them by their parents, or with borrowed capital. The parents-in-law are entitled only to a third (of the profits).

## SECTION 332.

A MARRIED COUPLE LIVE WITH THE PARENTS OF THE WIFE. THE WIFE DIES WHILE THE HUSBAND IS AWAY TRADING. PARTITION BETWEEN THE HUSBAND AND HIS PARENTS-IN-LAW.

**Kaingza.** A married couple live in the house of the wife's parents. The wife dies while her husband is away trading with capital supplied

him by her parents. He cannot on his return claim to receive the whole of the capital which shall revert to its owners. He is, however, entitled to half the profits accruing therefrom.

[Substantially the same as Kaingza.]

Manu-  
vappanā.  
Manu.

If the wife dies while the husband is away trading, the profits shall be divided equally between the parents-in-law and the son-in-law.

[Substantially the same as Kaingza.]

Cittara.

SECTION 333.

A MARRIED COUPLE LIVE WITH THE PARENTS OF THE WIFE. THE HUSBAND DIES WHILE AWAY TRADING. PARTITION BETWEEN THE WIFE AND HER PARENTS-IN-LAW.

A married couple live in the house of the parents of the wife. On the death of the husband while away trading, his wife is entitled to one-half of the profits. The parents of the deceased cannot claim to receive the whole of their son's earnings because he has been maintained by his parents-in-law.

[Substantially the same as Pyu.]

Kaingza.

If a man who lives with his parents-in-law dies while on a trading journey, his wife shall receive one-half of the profits. His parents shall have no claim upon the property.

Kandaw.

If a man who lives with his parents-in-law dies while away trading, his wife is entitled to one-half of the profits. His parents shall not claim to receive his share of the profits, because he has been maintained by his parents-in-law.

Vappa-  
dhamma.

[Substantially the same as Pyu.]

Rāsi.

If a man who lives with his parents-in-law dies while away trading, the profits shall be divided equally between his surviving wife and her parents. His parents shall have no claim upon the property.

Manu-  
vappanā.

[The same as Pyu.]

Shāli.

If a man who lives with his parents-in-law dies while away trading, his wife is entitled to one-half of the profits.

Manu.

[The same as Kandaw.]

## SECTION 334.

PARENTS-IN-LAW BORROW MONEY FROM THEIR CHILDREN-IN-LAW. ON THE DEATH OF THE CHILDREN, WHETHER LIQUIDATION OF THE DEBT MAY BE INSISTED UPON BY THE CHILDREN-IN-LAW.

- Dhamma.** Parents-in-law borrow money from their children-in-law On the death of the children, the parents shall liquidate that debt if insisted upon by their children-in-law The above rule applies to money borrowed after partition of the estate belonging to the parents of the deceased.
- Ditto.** If parents-in-law expend the whole of the money borrowed from their children-in-law, liquidation of the debt cannot be insisted upon.
- Manugyè.** Money borrowed by parents-in-law from their children-in-law shall be repaid, if repayment is insisted upon by the latter on the death of their wives or husbands The parents-in-law shall have no claim upon the property which has passed into the hands of their children-in-law on partition of their estate Because, the property is part of the estate which has already been partitioned. So says Rishi Manu
- Ditto.** If parents-in-law expend the whole of the money borrowed from their children-in-law, liquidation of the debt cannot be insisted upon. Because, it shall be reckoned as an offering made to parents and teachers.
- Manu.** [Substantially the same as the second extract from Manugyè]
- Amwebón.** [Substantially the same as Manugyè. The last sentence in the extract is out of place here.]
- Ditto.** If parents-in-law expend the whole of the money borrowed from their children-in-law, liquidation of the debt cannot be insisted upon. Because, it shall be deemed like an offering made to parents and teachers. Moreover, the parents can, in case of necessity, even sell their children as slaves.
- Chân.** If parents or parents-in-law appropriate and expend the property of their children or children-in-law, restitution cannot be insisted upon. Because, the parents control their children and can even sell them when in poverty ; the latter on the other hand succeed to the former's estate when in prosperity.

SECTION 335. [Omitted.]

SECTION 336. [Omitted.]

SECTION 337. [Omitted.]

SECTION 338 [Omitted.]

SECTION 339.

IF MARRIED CHILDREN, TO WHOM THE PARENTS HAVE TRANSFERRED THEIR PROPERTY, FAIL TO SUPPORT THE PARENTS, THE LATTER ARE ENTITLED TO RESUME THEIR PROPERTY.

Parents transfer their property to their married children who in turn support or maintain them and bury them on their death. Such children shall be reckoned as *orasa* and they shall receive the *orasa* share. The parents may resume their property if the children do not support them and do not show any respect to them. If the children refuse to give up the property, the rulers and judges should recover it for the parents. Mānussika.

[The story which follows in support of the above rule is substantially the same as that contained in the extract from Dhammathatkyaw in section 314.]

Children and children-in-law should support their parents who *Pyu* have made over the whole of their property to them.

[The story quoted here is the same as that contained in the extract from Dhammathatkyaw in section 314.]

\* If parents transfer their property to their married children with a view to their being supported in their old age, the children should then support their parents as long as they live. But should they, following the evil counsel of their wives or husbands, fail to do so, the parents may resume their property, and the children who so fail in their duty shall not succeed to it on the ground that they are children and heirs. Even a stranger can succeed to the property provided that he or she supports the owner thereof. Vilāsa.

[The story which follows in support of the rule is substantially the same as that in Dhammathatkyaw in section 314.]

If parents transfer their property to their married children with a view to being supported in their old age, the children should then support their parents as long as they live. But should they hear-

en to the evil counsel of their wives or husbands and fail to do so, the parents may resume their property.

Rāst. [Substantially the same as Vannanā ]

Manu-  
vappanā. O great king ! If parents, through love, transfer the whole of the property to their married children, the latter should then support their parents as long as they live. But should the children fail to do so, the parents may resume their property

Even a stranger who supports another as he or she would support a parent is entitled to succeed to the latter's estate. How much more when the supporter is a relative ?

Sōnda. [The same as Pyu.]

Kyannet. Parents can resume their property made over to their children on the failure of the latter to support them.

[The story which follows is substantially the same as that in Dhammathakya in section 314 ]

#### SECTION 340

THE HUSBAND TRANSFERS CERTAIN PROPERTY TO HIS WIFE AND SHE TO HER SON-IN-LAW ; THE WIFE DIES. PARTITION BETWEEN THE SURVIVING PARENT AND HIS SON-IN-LAW.

Mano. A person transfers his property to his daughter. On the death of the latter his son-in-law shall succeed to such property. The son-in-law may, if he pleases, return a portion of it to his father-in-law. The reason is that the original owner has no intention to retain any lien on the property.

Kaingza. The husband transfers his property to his wife. On the death of the wife his son-in-law is entitled to such property. It is at the option of the son-in-law whether or not to return a portion of it. The reason is that the original owner has renounced his lien on the property.

Kandaw. [Substantially the same as Kaingza.]

Vanna-  
shanna. A man, on divorcing his wife, relinquishes his share of the property and transfers it to her. On his death his son-in-law shall succeed to such property.

Maas. The husband wishing to be relieved of all care of his property transfers it to his wife who again transfers it to her daughter. On the death of the daughter, the son-in-law shall succeed to such pro-

perty. It is at the option of the son-in-law whether or not to return a portion of it.

The text in other Dhammathats such as the Manusāra is found to be inaccurate. The inaccuracy occurs as follows:—

The husband wishing to be relieved of all care of his property transfers it to his wife. On the death of their daughter, the son-in-law alone is entitled to succeed to such property. The second transfer from the wife to her daughter is not mentioned. It is very probable that the wife predeceasing her daughter the property naturally passes on to the latter without transfer.

[Substantially the same as Mano.]

Pāṇan.

[Substantially the same as Kaingza.]

Cittara.

#### SECTION 341.

THE PARENTS TRANSFER THE WHOLE OF THEIR PROPERTY TO THEIR CHILDREN AND CHILDREN-IN-LAW; THE CHILDREN DIE. PARTITION BETWEEN THE PARENTS AND THEIR CHILDREN-IN-LAW.

Cases in which partition is permissible have already been cited; *Manussika*, the case in which partition is not permissible is as follows:—If parents transfer their property to their children, they are not entitled to it on the death of their children: their surviving children-in-law shall succeed to it.

Either on account of old age or from a desire to be relieved of *Pyu*, the care of their property, the parents transfer the whole of it to their children and children-in-law. On the death of the children, the surviving children-in-law should maintain their parents-in-law. On failing to receive such maintenance the parents-in-law become entitled to one-half of the property. The reason is that the property which parents possess is subject to partition, and the transfer was made only to preserve the integrity of the estate.

Parents transfer the whole of their property to their children and children-in-law with the understanding that they are to be maintained in their old age. On the death of the children, the children-in-law shall not succeed to the whole of the property: it shall be shared equally between them and their parents-in-law.

*Ditto*.

Parents transfer their property to their children and children-in-law. On the death of the children, the children-in-law alone shall not succeed to the whole of the property: it shall be divided equally between them and their parents-in-law.

*Kaingza*.

**Myingun.** Parents transfer their property to their children and children-in-law with the understanding that they are to be maintained by the latter. On the death of the children, the surviving children-in-law alone shall not succeed to the whole of the property · it shall be divided equally between them and their parents-in-law.

[The story which follows is the same as that given in Dhammathatkyaw in section 314 ]

**Kandaw.** [Substantially the same as Kaingza.]

**Manu-  
vanṇanā.** [Substantially the same as Kaingza.]

**Vicchedanī.** Parents wishing to be relieved of the care of their property transfer it to their children (and children-in-law). On the death of the children, the surviving children-in-law alone shall not succeed to the whole of the property transferred · it shall be divided equally between them and their parents-in-law.

**Sōnda.** [The same as the first extract from Pyu.]

**Ditto.** [The same as the second extract from Pyu ]

**Pāṇam.** [Substantially the same as Kaingza.]

**Dhamma-  
sāra.** [Substantially the same as Kaingza.]

**Cittara.** [The same as Kandaw ]

**Kyannet.** [Substantially the same as the second extract from Pyu.]

#### SECTION 342.

WHETHER PROPERTY GIVEN BY PARENTS TO A SON ON HIS BECOMING A NOVICE SHOULD BE DIVIDED ON HIS DEATH BETWEEN HIS WIFE AND HIS PARENTS.

**Dāyajja.** Rishi Manu says that parents cannot, on the death of their son, resume from his surviving wife a gift made publicly at the time of his becoming a novice in the holy Order.

#### SECTION 343.

ON THE DEATH OF CHILDREN, THE CHILDREN-IN-LAW ARE ENTITLED TO RETAIN THE DOWRY GIVEN BY THE PARENTS.

**Dhamma.** On the death of either husband or wife, the survivor succeeds to the dowry given by the parents of the deceased.

**Manugya.** On the death of either husband or wife, the survivor succeeds to the dowry given by the parents of the deceased and which is in

his or her possession; but he or she cannot prefer any claim to property merely promised to be given.

Parents shall not, on the death of their children living apart from Manugyē, them, resume from the surviving children-in-law the dowry given by them to the deceased.

On the death of children-in-law, the parents-in-law shall not Manu. resume the dowry from their surviving children.

Parents shall not, on the death of their children, say that presents, Pāṇas, such as ornaments, ponies, elephants, &c., made at the time of marriage were simply lent for the occasion.

#### SECTION 344.

A MAN HAVING A SON BY A FORMER MARRIAGE, MARRIES A MAIDEN, OBTAINS A DAUGHTER BY HER, AND DIES. THE WIDOW GIVES HER DAUGHTER IN MARRIAGE, TRANSFERRING HER PROPERTY TO THE NEWLY MARRIED COUPLE. THE SON-IN-LAW DIES, AND SHE AGAIN GIVES HER DAUGHTER IN MARRIAGE TO HER STEP-SON. THE DAUGHTER TRANSFERS THE PROPERTY TO HER HUSBAND AND DIES. PARTITION BETWEEN THE WIDOW AND HER SON-IN-LAW, WHO IS ALSO HER STEP-SON.

A man having a son by a former marriage, marries a maiden, obtains a daughter by her and dies. The widow gives her daughter in marriage transferring her property to the newly-married couple. The son-in-law dies and she again gives her daughter in marriage to her step-son. The daughter transfers the property to her husband and dies. Then the widow has no claim upon the property left in the hands of her son-in-law who is also her step-son. She is entitled only to such property as may be given her through affection. Dhamma-sāra.

#### SECTION 345.

THE WIFE RETURNS TO HER PARENTS ON THE DEATH OF HER HUSBAND AND DIES. PARTITION BETWEEN THE PARENTS OF THE HUSBAND AND THOSE OF THE WIFE.

If the husband dies first, and then the wife, her parents shall succeed to the estate of the deceased. Mānava.

On the death of the husband, the wife returns to her parents and Pyu. dies. Her parents shall then succeed to the property of the deceased. The husband's parents shall have no claim on it.

Vilasa. [Substantially the same as Mānussika.]

Myingun. [Substantially the same as Pyu]

Vaṇṇanā. On the death of the husband, the wife returns to her parents and dies. The rule of partition between her parents and her parents-in-law shall, *mutatis mutandis*, be the same as that between the parents of the husband and those of the wife, when the former dies at his parents' house to which he returns after his wife's death.

Manuyin. [Substantially the same as Pyu]

Vicchedant. [Substantially the same as Pyu.]

Sōṇḍa. [The same as Pyu.]

Pāṇanā. On the death of either husband or wife, the survivor returns to his or her parents and dies. If there is no offspring of the union, the parents of the person who dies last shall succeed to the estate of the deceased

Kyetyo. If the husband dies before the wife, her parents shall succeed to the estate.

Kyannet. On the death of the husband, the wife returns to her parents and dies. Her parents shall then succeed to the property of the deceased. The husband's parents shall have no claim on it. The same rule shall, *mutatis mutandis*, apply when the husband returns to his parents on the death of his wife and dies.

#### SECTION 346.

THE HUSBAND RETURNS TO HIS PARENTS ON THE DEATH OF HIS WIFE AND DIES. PARTITION BETWEEN THE PARENTS OF THE HUSBAND AND THOSE OF THE WIFE

Mānussika. \* If the husband dies after the wife, his parents shall succeed to his estate.

Pyu. The same rule laid down in section 345 shall, *mutatis mutandis*, apply when the husband returns to his parents on the death of his wife and dies.

Vilasa. On the death of the wife the husband returns to his parents and dies. His parents shall then obtain the whole of the property brought by him; his deceased wife's parents shall have no claim on it.

Myingun. The rule laid down in section 345 shall, *mutatis mutandis*, apply when the husband returns to his parents on the death of the wife and dies.

On the death of the wife, the husband returns to his parents and **Vaṇṇanā** dies. His parents shall then obtain the whole of the property brought by him; and the parents of the deceased wife shall have no claim on it.

[Substantially the same as Pyu.]	<b>Manuṇḍin.</b>
[The same as Vilāsa]	<b>Rāsi.</b>
[Substantially the same as Pyu.]	<b>Vicchadant.</b>
[The same as Pyu.]	<b>Sōṇḍa.</b>
[The same as in section 345.]	<b>Pāṇḍa.</b>
[Substantially the same as Vannanā]	<b>Cittara.</b>

On the death of the wife, the husband, taking with him every- **Kyetyo** thing to which he is entitled by succession, returns to his parents and dies there. His parents shall then succeed to the whole of his property on which the parents of his deceased wife shall have no claim.

[The same as in section 345.]	<b>Kyannet.</b>
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### SECTION 347.

**BOTH SON AND DAUGHTER-IN-LAW LIVING SEPARATELY FROM THEIR PARENTS DIE WITHOUT ISSUE. PARTITION OF EITHER'S PROPERTY BETWEEN THE PARENTS OF EACH.**

If a couple living apart from their parents both die ~~without~~ **Dhamma-** leaving any offspring, the parents of each are entitled to divide the **thatkyaw** property of the deceased equally between them.

A couple living apart from their parents die without leaving any **Dhamma-** offspring. The rule of partition between the parents of each is as follows:—

They shall each receive the property taken by their respective son or daughter to the marriage. The property acquired jointly shall be divided equally between the parents of each. If either the husband or the wife does not bring any property to the marriage, that brought by the other shall be divided into three shares, and one share shall be given to the parents of the person who brings nothing.

Again, if one should die some time after the other, the estate of the deceased shall be divided into three shares: the parents of the

person who dies first shall receive one share and those of the person who dies last two shares. Debts, if any, shall be liquidated in the same proportion.

**Manugr.** A couple living apart from their parents die without leaving any offspring. The rule of partition between the parents of each is as follows :—

They shall each receive the property taken by their respective son or daughter to the marriage. The property acquired jointly shall be divided equally between the parents of both. If neither husband nor wife brings any property to the marriage, that acquired jointly shall likewise be divided equally between the parents of both.

If either the husband or the wife does not bring any property to the marriage, that brought by the other shall be divided into three shares, and one share shall be given to the parents of the person who brings nothing.

Again, if one should die some time after the other, the estate of the deceased shall be divided into three shares : the parents of the person who dies first shall receive one share, and those of the person who dies last two shares. Debts, if any, shall be liquidated in the same proportion.

**Rājabala.** A couple living apart from their parents die without leaving any offspring. The rule of partition between the parents of each is as follows :—

They shall each receive the property taken by their respective son or daughter to the marriage. The property acquired jointly shall be divided equally between the parents of each. If either the husband or the wife does not bring any property to the marriage, that brought by the other shall be divided into three shares, and one share shall be given to the parents of the person who brings nothing.

**Mark.** [Substantially the same as Dhamma, except that it is not provided here that debts, if any, shall be liquidated in the same proportion.]

**Pāṇḍ.** [Substantially the same as Manu.]

**Dāyaja.** [Substantially the same as Manu.]

**Anvabān.** [The same as Manugr.]

**Chāra.** [Substantially the same as Manugr.]

SECTION 348.

BOTH DAUGHTER AND SON-IN-LAW LIVING SEPARATELY FROM THEIR PARENTS DIE WITHOUT ISSUE. PARTITION OF THEIR PROPERTY BETWEEN THE PARENTS OF EACH.

[This section is the same as section 347.]

SECTIONS 349—353. [Omitted.]

CHAPTER XX.

PARTITION OF THE PROPERTY OF SLAVES.

CHAPTER XXI.

PARTITION BETWEEN TEACHER AND PUPIL.

SECTION 365.

PARTITION BETWEEN TEACHER AND PUPIL, BOTH BEING UNMARRIED

The rule of partition between teacher and pupil, both being un-<sup>n</sup>Manugyè married, is as follows:—

Teacher and pupil live and work together, the former imparting knowledge, and the latter rendering service in return. The property acquired shall be divided into ten shares: the teacher shall receive nine shares and the pupil one share.

[Substantially the same as Manugyè.]

Manu.

Profits accruing from capital supplied by the teacher, and likewise any property acquired by the pupil being the fruit of knowledge gained by the teacher's instruction, shall be divided into ten shares: the teacher shall receive nine shares and the pupil one share.

\*\*\* [The same as Manugyè.]

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Profits accruing from capital supplied by the teacher and likewise any property acquired by the pupil being the fruit of knowledge gained by the teacher's instruction, shall be divided into ten shares: the teacher shall receive nine shares and the pupil one share.

Debts, if any, shall be liquidated in the same proportion. The principal shall revert to the teacher.

[Substantially the same as Manu.]

## SECTION 366.

**BOTH TEACHER AND PUPIL ARE UNMARRIED; ONE OF THEM DIES: THE SURVIVOR INHERITS.**

- Mano.** On the death of the pupil without leaving any offspring, the teacher shall succeed to his estate.
- Vilāsa.** On the death of the teacher (without leaving any offspring), the pupil shall succeed to his estate as he would that of his father.
- Ditto.** The relationship between teacher and pupil is like that between father and son. One inherits the other's estate.
- Kaingza.** [The same as Mano.]
- Dhamma-thatkyaw.** On the death of the pupil without leaving any pupil of his own, the teacher shall succeed to his estate.
- Dhamma.** The general rule that, on the death of either the teacher or the pupil living together and neither of whom being married, the survivor shall succeed to the entire estate of the deceased, applies only when the former performs the burial rites. But if the deceased teacher has relatives and if they also perform the burial rites, then the estate shall be divided equally between such relatives and the pupil.
- Manugyè.** The general rule that, while the teacher and the pupil are living together if either of them dies, the survivor shall succeed to the entire estate of the deceased applies when the former performs the burial rites. But if they belong to the same locality and the deceased has parents or relatives who join in the performance of the burial rites, then the estate shall be divided between such parents or relatives and the survivor.
- Kandaw.** [Substantially the same as Mano.]
- Tejo.** [The same as Mano.]
- Vappa-dhamma.** [Substantially the same as Mano.]
- Rāsi.** [The same as Vilāsa.]
- Manu-vappand.** [The same as Vannadhamma.]
- Manu.** On the death of either the teacher or the pupil, the survivor shall succeed to the deceased's estate. If the relative of the deceased and the survivor both perform the burial rites, they shall divide the estate equally between them.
- Pāpāsi.** [Substantially the same as Mano.]

A teacher and a pupil live together both being unmarried. On Dāyajja. the death of either, the survivor shall succeed to the estate of the deceased.

On the death of either the teacher or the pupil without leaving Warulinga any offspring, the survivor shall inherit the deceased's estate.

[The same as Manugyè ]

Amwebôn.

On the death of the teacher the pupil shall succeed to his Cittara. estate.

[Substantially the same as Manugyè ]

Ditto.

[The same as the second extract from Vilāsa.]

Kyetyo.

[Substantially the same as Mano.]

Kyanne.

### SECTION 367.

BOTH TEACHER AND PUPIL DIE UNMARRIED; THEIR RELATIVES WHO PERFORM THE BURIAL RITES, INHERIT.

If both teacher and pupil die unmarried in a distant land, the Dāyajja. relatives of both shall inherit the estate.

If both teacher and pupil are unmarried, and die one after the other, the relatives of the person who dies last shall succeed to the estate of both deceased. But if the property belonging to the teacher is kept separate, his parents shall succeed to it. Cittara.

### SECTION 368.

BOTH TEACHER AND PUPIL ARE UNMARRIED; THE PUPIL PREDECEASES THE TEACHER, AND THE SURVIVOR INHERITS THE PROPERTY. THE TEACHER THEN DIES. PARTITION OF THE ESTATE BETWEEN THE RELATIVES OF THE TEACHER AND OF THE PUPIL.

If the teacher dies after the pupil, their estate shall be divided into three shares: the parents and relatives of the former shall receive two shares, and those of the latter one share. Debts, if any, shall be liquidated in the same proportion. Dhamma.

The rule of partition between the parents and relatives of the teacher and those of the pupil if both of them are unmarried and die one after the other, is as follows:— Manugyè.

The rule that parents and relatives of the person who dies last shall succeed to the whole of the estate of the deceased applies only in the case of a husband and wife dying one after the

other without leaving any offspring. In the present case if the property belonging to each has been kept separate, the representatives of each shall inherit the property of the person whom they represent. But if separation of the property of both the deceased is not possible, the parents and relatives of the teacher shall receive two shares, and those of the pupil one share, provided that the teacher dies after the pupil.

**Manu.** [Substantially the same as Dhamma, except that no provision is made here for the liquidation of debts.]

**Amwebôn.** [The same as Manugyè.]

**Cittara.** [Substantially the same as Manu.]

#### SECTION 369.

BOTH TEACHER AND PUPIL ARE UNMARRIED; THE TEACHER PREDECEASES THE PUPIL, AND THE SURVIVOR INHERITS THE PROPERTY. THE PUPIL THEN DIES. PARTITION OF THE ESTATE BETWEEN THE RELATIVES OF THE TEACHER AND THOSE OF THE PUPIL.

**Dhamma.** Teacher and pupil live and work together both being unmarried. If the pupil dies after the teacher, their property shall be divided equally between the parents and relatives of the former and those of the latter.

**Manugyè.** If the pupil dies after the teacher, their property shall be divided equally between the parents and relatives of the former and those of the latter. Debts, if any, shall be liquidated in the same proportion. So says Rishi Manu.

**Manu.** [Substantially the same as Dhamma.]

**Amwebôn.** [The same as Manugyè.]

**Cittara.** [Substantially the same as Manugyè.]

#### SECTION 370.

TEACHER AND PUPIL HAVE JOINT PROPERTY; THE TEACHER DIES. PARTITION BETWEEN THE PUPIL AND THE TEACHER'S FAMILY.

**Dhamma.** A pupil studies arts and sciences with a teacher and offers remuneration for the lessons, but the latter declines to accept it. On the death of the teacher the pupil is not entitled to any property received by the deceased as tuition fees. It shall devolve upon his

surviving wife and children As regards property acquired by the pupil's skill and labour, it shall be divided into ten shares the teacher's surviving wife and children shall receive one share and the pupil nine shares. Debts, if any, contracted for their maintenance, by both teacher and pupil while living together shall be liquidated according to the extent of their respective liability by the pupil and the representatives of the teacher The pupil shall, in addition to liquidating his own share of the debts, contribute one-tenth of the teacher's share. If the pupil trades with capital supplied by the teacher, it shall revert to the representatives of the owner, but the profits shall be divided into ten shares, and the pupil shall receive one share, while the teacher's representatives shall receive nine shares. Debts, if any, contracted on account of the joint concern shall be liquidated in the same proportion

On the death of the teacher, the rule of partition between the pupil and the wife and children of the deceased, is as follows :— Manuḡyā

Two classes of knowledge may be acquired from a teacher, namely, science and art. A pupil lives with a teacher to acquire one of the two, offering remuneration for the tuition, but the latter declines to accept it. On the death of the teacher, the property acquired by him by his teaching shall devolve upon his wife and children, and the pupil shall have no claim to such property. Because, the property is acquired by the teacher's own ability and skill. As regards property acquired by the pupil's own skill and labour, one-tenth of it shall be given to the teacher's wife and children, provided that the teacher did not enjoy any such allotment during his life-time. Debts, if any, contracted for their maintenance during their residence together shall be liquidated to the extent of the respective liability of each by the pupil and the teacher's representatives. The pupil, however, shall contribute one-tenth of the teacher's share of the debts in addition to liquidating his own. If the pupil trades with capital supplied by the teacher, it shall revert to the wife and children of the owner, while the profits shall be shared between them and the pupil, not as partners in a business, but in the proportion of nine to one respectively. Debts, if any, contracted on account of the joint concern shall be liquidated by them in the same proportion.

The teacher dies while he, his wife and children and a pupil are living together ; the property acquired by the deceased by his own ability and skill shall be inherited exclusively by his wife. One-tenth of the property acquired by the pupil by his own skill and labour shall be given to the teacher's wife, if the teacher did not take such portion during his lifetime. The pupil shall also liquidate one-tenth of the debts to which the teacher is liable, If the teacher and Manu.

pupil engage in trade the capital shall revert to its original owner, and the profits shall be divided between the teacher and pupil in the proportion of nine to one respectively.

**Dāyajja.** A pupil lives with a teacher studying arts and sciences, but he does not offer any remuneration. On the death of the teacher his wife and children alone shall succeed to the whole of the property acquired by his tuition.

**Ditto.** If, during the residence together of teacher and pupil, debts are contracted for their joint maintenance, and, if losses are also sustained by their trading together, the teacher's wife shall liquidate to the extent of his liability as regards the former, and defray nine-tenths of the latter; and the pupil shall liquidate to the extent of his own liability as regards the former and defray one-tenth of the latter.

**Amwebôn.** [The same as Manugyè.]

**Cittara.** A pupil lives with a teacher, who is married and learn arts and sciences. On the death of the teacher, his wife and children shall inherit the property acquired by his tuition. The property acquired by the pupil shall be divided into ten shares: the teacher's wife and children shall receive one share, and the pupil nine shares. Debts contracted for their joint maintenance shall be liquidated to the extent of the respective liability of each. The pupil shall, in addition to liquidating his own share of the debts, contribute one-tenth of the teacher's share. The teacher is liable to liquidate the pupil's share of such debts (on the death of the latter).

#### SECTION 371.

A PUPIL, AFTER LIVING WITH HIS TEACHER, RETURNS TO HIS PARENTS AND DIES; WHETHER THE TEACHER IS ENTITLED TO INHERIT THE ESTATE OF HIS LATE PUPIL.

**Dhamma.** The rule of partition between teacher and pupil is as follows:—  
If the teacher lives and offers instruction in the pupil's house, any property offered and delivered into the teacher's hands for his instruction shall become his absolute property, and neither the pupil nor his wife and children, on his death, shall have any claim to such property. The teacher, however, shall have no claim to the property in the possession of the deceased on the ground that burial rites were performed by him; it shall devolve on the latter's surviving wife and children.

**Manugyè.** On the death of the pupil, the rule of partition between the teacher and the wife and children of the deceased is as follows:—

Two cases may arise: the teacher may live with the pupil in the latter's house or the pupil may live with the teacher in the latter's house. In the former of the two cases, the pupil having died in his parental home, the teacher shall not insist upon receiving the property promised him, but he can, however, retain any property offered him and delivered into his possession.

When the pupil lives in the teacher's house, the latter shall, on the death of the former, retain only the property of which he is in actual possession.

[Substantially the same as Dhamma]

Ditto.

[Substantially the same as Manugyè]

Amwobôn.

The teacher is not entitled to any property of which he is promised by the pupil, but he can retain any property of which he is in possession.

Cittara.

#### SECTION 372.

THE PUPIL DIES WHILE LIVING WITH HIS TEACHER, WHETHER THE TEACHER IS ENTITLED TO INHERIT.

If the pupil dies in the teacher's house, the latter alone is entitled to the property brought by the deceased, but he cannot prefer and claim on any property left in the hands of the deceased's wife, children or relatives, on the ground that he has to bury the deceased.

Manugyè.

If the pupil dies in the teacher's house, the parents or relatives of the deceased shall have no claim on the property which he took to the teacher's house. The teacher on the other hand shall have no claim on any property other than that brought to him by the deceased although he has performed the burial rites.

Mannu.

If the pupil dies in the teacher's house, the wife or parents of the deceased cannot lay any claim to the property left in the hands of the teacher who is entitled to it as fees for his tuition.

Dâyajja.

[The same as Manugyè.]

Amwobôn.

If the pupil dies in the teacher's house, the latter is entitled to the property brought by the deceased.

Cittara.

#### SECTION 373.

PARTITION, BETWEEN TEACHER AND PUPIL, OF PROPERTY FOUND OWNERLESS.

If the pupil finds any ownerless property, the teacher is entitled to two-thirds of it.

Amwobôn.

**Dhamma.** If the teacher finds any ownerless property while travelling together with his pupil, one-tenth of it shall be given to the pupil. If, however, the pupil finds such property, he shall give one-third of it to the teacher.

**Manugyē.** [Substantially the same as Dhamma.]

**Manu.** [Substantially the same as Dhamma.]

**Dāyajña.** [Substantially the same as Dhamma.]

**Dhamma-sāra.** The master is entitled to all the property found ownerless by his slave, so also the parents to whatever is found by their children. But if a pupil finds such property he shall give two-thirds of it to his teacher.

**Amwebōn.** [Substantially the same as Dhamma.]

**Cittara.** If the teacher finds any ownerless property while travelling together with his pupil, he shall give one tenth of it to the pupil. According to another rule one-third of it shall be given.

## CHAPTER XXII.

### ON THE DEATH OF EITHER THE HUSBAND OR WIFE, THE SURVIVOR INHERITS.

#### SECTION 374.

##### ON THE DEATH OF THE WIFE, THE HUSBAND INHERITS.

**Mano.** A woman marries a man after accepting bridal presents from him. On her dying childless while living apart from her parents, her husband shall succeed to her property.

**Ditto.** The husband shall own the property of his wife who lives apart from her parents.

**Ditto.** The surviving husband shall inherit the property of his deceased wife.

**Ditto.** If children living apart from their parents die childless, the surviving children-in-law shall inherit the property of the deceased.

A daughter is given in marriage, but she dies before any child is born. Her husband shall succeed to her property. If, on the other hand, the husband dies the wife shall inherit his property.

**Ditto.** On the death of the children, the children-in-law shall inherit the dowry. The parents cannot resume it,

On the death of the wife, the husband shall inherit the whole of ~~Mānasa~~ the property.

A daughter is given in marriage, but she dies before any child is **Pyu** born. Her husband shall then succeed to her property. If she leaves a child a portion of the property shall be allotted to him or her.

A daughter is given in marriage, but she dies before any child is **Ditta** born. Her husband shall then succeed to her property.

On the death of the wife, the husband shall inherit the estate. **Ditta**.

Children are given in marriage, but they die without issue. Their **Vilāsa** surviving wives or husbands shall inherit the estate.

Parental property appropriated by children and taken with them **Ditta** on their leaving the parental roof after marriage, shall be inherited on their death by their wives or husbands. The survivors cannot however, insist on getting any property promised to be given but of which they are not put in possession.

After marriage with the consent of the parents of both parties, **Vilāsa** the wife dies before any child is born. Her husband shall succeed to the whole of the property.

Children take with them, on their leaving the parental roof, gold, **Kungya** silver, clothes, ornaments, elephants, ponies, cows, buffaloes and slaves presented them at the time of marriage. On the death of the children, the surviving children-in-law and offspring of the deceased shall inherit such property. The parents shall have no right of re-sumption over such property.

The children-in-law shall not obtain any property given, if there is neither delivery of possession of the gift nor documentary evidence of it. They can, however, retain the property appropriated by the deceased children and taken with them on their leaving the parental roof. On the death of the parents, the co-heirs of the deceased children shall not insist upon the reversion of the property so appropriated to the parental estate.

Elephants, ponies, slaves, swords, cups, ornaments and clothes, **Ditta** &c., appropriated by a son and taken away by him on his leaving the parental roof shall, on his death, be inherited by his wife and children. The parents cannot resume such property on the ground that they were not given, nor can the co-heirs insist upon the reversion of the same to the estate. The same rule shall, *mutatis mutandis*, apply when property is appropriated and taken away by a daughter on her leaving the parental roof after marriage, and she subsequently dies.

**Kangya.** In the case of a couple living apart from their parents, the husband shall inherit on the death of the wife.

**Ditto.** A widow or a divorcee marries a slave and "eats out of the same dish" with him. From that day forth he acquires the status of a husband and becomes the joint owner of the property acquired jointly.

**Kaingsa.** [Substantially the same as the first extract from Mano.]

**Ditto.** [Substantially the same as the second extract from Mano.]

**Ditto.** [Substantially the same as the third extract from Mano.]

**Ditto.** [Substantially the same as the fourth extract from Mano.]

**Myingun.** On the death of the wife, the husband shall inherit.

**Dhamma-thatkyaw.** If a woman accompanies her husband to his parents' house and dies there, her husband shall inherit the property which she brought with her. If the husband dies afterwards, his parents shall succeed to the property of the deceased; the parents of the wife shall have no claim thereto. In the event of the deceased leaving a child the property shall devolve on him or her.

**Ditto.** If the husband as well as the wife are slaves, on the death of either, the survivor and not their master, shall succeed to their property.

**Ditto.** A couple given in marriage by their respective parents set up house and live separately. On the death of either husband or wife without leaving any children, the survivor and not the parents of the deceased, shall succeed to the deceased's property. But if both husband and wife die leaving a child, he or she shall become the sole heir.

**Ditto.** The parents give their children in marriage. On the death of the children, the parents cannot insist upon the reversion to the estate of the dowry given by them. As husband and wife are heirs to each other, the children-in-law alone shall succeed to the property of the deceased.

**Dhamma.** The parents shall not resume from their surviving children-in-law the property appropriated by their children living apart from them.

**Mamgya.** [Substantially the same as Dhamma.]

**Kandaw.** [Substantially the same as the first extract from Mano.]

**Ditto.** [Substantially the same as the second extract from Mano.]

**Ditto.** [Substantially the same as the fourth extract from Mano.]

On the death of either the husband or wife, the survivor and not ~~Vincent~~ the parents of the deceased shall succeed to the parental property of which the deceased was in actual possession.

**Vicchedanī.** The same rule of inheritance applies when either the wife or the husband dies.

**Rājabala.** Parental property appropriated by children living apart from the parents shall become on the death of the parents the separate property of those who appropriate and are in possession of it. Their co-heirs shall not claim reversion to the estate. On the death of the children who are in possession of such appropriated property the parents shall not say that the property was not given by them; the surviving wives or husbands and the children of the deceased shall succeed to it.

**Sōnda.** [The same as the first extract from Pyu]

**Ditto.** [The same as the second extract from Pyu].

**Pāpam.** On the death of either the husband or wife without leaving any offspring, the survivor shall succeed to the estate.

**Ditto.** A daughter is given in marriage after accepting bridal presents, but she dies before any child is born. Her husband alone shall succeed to her estate.

**Cittara.** On the death of a married daughter before any child is born, her husband shall succeed to the whole of the property.

**Ditto.** On the death of the wife without leaving any other heirs, the husband shall inherit.

**Ditto.** On the death of one of several wives before any child is born, the husband shall succeed to the property.

**Kyetyo.** The rule whereby husband and wife inherit each other's property is as follows :—

Children are given in marriage, but they die before they have any offspring. Their wives or husbands shall then succeed to the estate.

**Ditto.** Gifts are made to children at the time of shaving the head, or of ear-boring or of marriage, and delivered into the hands of the donees. On the death of the children, their wives or husbands shall inherit the property which constitutes the gift, and their parents shall have no right to resume it.

**Ditto.** Parental property is appropriated by a child and is taken away by him or her on leaving the parental roof after marriage. On the death of the child, his wife or her husband shall succeed to it. But the survivor shall not get the property of which the deceased is not in possession.

A daughter and a son are given in marriage by the parents of Kyetyo both. On the death of either the husband or wife before any child is born, the survivor shall inherit the estate

On the death of either the husband or wife without leaving any Kyannet child and a long time after they have been living apart from their parents, the survivor shall inherit the estate.

On the death of either the husband or wife, the survivor shall inherit the whole of their property. The co-heirs of the deceased shall have no claim to the property. Ditto.

The husband dies leaving no issue. The widow marries again and dies also without issue. The widower inherits the whole of her property. Ditto.

#### SECTION 375.

##### ON THE DEATH OF THE HUSBAND, THE WIFE INHERITS.

On the husband dying without leaving any child, the wife shall inherit the estate. Mano.

[The same as the fourth extract from Mano in section 374 ] Ditto.

[The same as the second extract from Mānussika in section 374 ] Mānussika.

One of the co-heirs marries taking with him some of the property acquired by them all. On his death, his wife shall succeed to such property. Ditto.

On the death of the husband, the wife shall inherit. It is in accordance with the rule that on the death of either the husband or wife the survivor inherits. Pyu.

The co-heirs of the husband and wife shall have no claim on their property. On the death of the husband, the wife shall inherit the whole of the property brought by him to the marriage. Ditto.

[The same as the first extract from Vilāsa in section 374.] Vilāsa.

[The same as the second extract from Vilāsa in section 374 ] Ditto.

[The same as the first extract from Kungya in section 374.] Kungya

[The same as the second extract from Kungya in section 374.] Ditto.

- Kungya.** [The same as the fourth extract from Kungya in section 374.]
- Kaingza.** [The same as the first extract from Mano.]
- Ditto.** [The same as the fourth extract from Kaingza in section 374.]
- Myingun.** After marriage with the consent of the parents of both parties, the husband dies without leaving any children; the wife shall inherit all the property given to the deceased by his parents.
- Ditto.** On the death of a man, his parents shall not resume from his surviving wife the property which has been appropriated by him. It shall become the property of their daughter-in-law and she may refuse to give it up. The co-heirs shall not, on the death of the parents, claim the reversion of such property to the estate on the ground that it was not given her by the original owners. There is a rule whereby property may be acquired by one without being given, and though it is given it may not become vested in one.
- Dhammathatkyaw.** The rule whereby husband and wife become heirs to each other on the death of either is as follows — A son and a daughter are given in marriage by the parents of both. The married couple live in the house of the wife's parents, where the young man dies before any child is born. The wife shall then inherit the whole of the property brought by the deceased
- Ditto.** [The same as the second extract from Dhammathatkyaw in section 374.]
- Ditto.** [The same as the third extract from Dhammathatkyaw in section 374.]
- Ditto.** [The same as the fourth extract from Dhammathatkyaw in section 374.]
- Dhamma.** [The same as in section 374.]
- Manugyè.** [The same as in section 374.]
- Kandaw.** On the death of the husband without leaving any child, the wife shall inherit the whole of the property.
- Ditto.** [The same as the third extract from Kandaw in section 374.]
- Tejo.** [The same as the first extract from Kaingza.]
- Ditto.** [The same as the fourth extract from Kaingza in section 374.]

[The same as the first extract from Kaingza.] Vanna-  
dhamma.

[The same as the third extract from Vannadhamma in Ditto.  
section 374.]

. [The same as the first extract from Vannanā in section Vaynanā  
374]

On the death of the husband, the wife shall inherit the estate. Ditto.

[The same as the third extract from Vannanā in section Ditto.  
374.]

On the death of the husband, the wife shall inherit. Manuyin.

On the death of the husband, the wife shall inherit the whole of Ditto  
the property in the possession of the deceased.

On the death of the husband, the wife shall inherit his property. Rāsi.  
It is in accordance with the rule whereby on the death of either the  
husband or wife the survivor inherits

[The same as the second extract from Rāsi in section 374.] Ditto.

[Substantially the same as the first extract from Kaingza.] Manu-  
vaynanā.

[Substantially the same as the first extract from Kaingza.] Pakāsant.

[The same as the first extract from Vicchedanī in section Vicchedant.  
374]

[Substantially the same as the first extract from Kaingza.] Ditto.

[The same as in section 374.] Rājabala.

[The same as the first extract from Pyu.] Sōnda.

[The same as the second extract from Pyu.] Ditto.

[The same as the first extract from Pānam in section 374.] Pāpam.

On the death of a married daughter living apart from her parents Ditto.  
without leaving any offspring, her husband shall succeed to the estate.

On the death of the husband, the wife shall succeed to the estate. Cittara.

[The same as the first extract from Kyetyo in section 374.] Kyetyo.

[The same as the second extract from Kyetyo in section Ditto.  
374.]

[The same as the third extract from Kyetyo in section  
374.]

Kyetyo.

[The same as the fourth extract from Kyetyo in section 374.]

Kyannet.

On the death of the husband without leaving any child, the wife shall inherit his property.

## SECTION 376.

ON THE DEATH OF THE HUSBAND, THE WIFE IS NOT ENTITLED TO CLAIM ANY INTEREST IN THE EMOLUMENTS OF HIS HEREDITARY OFFICE WHICH REVERT TO THE CO-HEIRS OF THE DECEASED.

Pyu.

On the death of the husband, his hereditary property shall revert to his younger brothers.

Dhamma-  
that kyaw.

A co-heir who holds the hereditary office of his family and enjoys its emoluments marries and dies with or without issue. His wife is not entitled to claim any interest in the office or its emoluments. Her right of inheritance is limited to the extent of the household and jointly acquired property. The hereditary office shall devolve on the deceased's son if he has one capable of holding it. In the absence of such a son it shall devolve on one of the brothers of the deceased.

Manuyin.

On the death of a man leaving no son or grandson, lands held by him as emoluments of a hereditary office shall devolve on one of his younger brothers: the wife shall have no interest or claim on them.

Vicchedant.

Lands held by a man as emoluments pertaining to a hereditary office shall, on his death devolve on one of his younger brothers.

Sōnda.

[The same as Pyu.]

Pāpash.

Although husband and wife are heirs to each other on the death of either, yet lands held by the deceased as emoluments of a hereditary office shall devolve on his or her co-heirs.

## SECTION 377.

ON THE DEATH OF THE WIFE, THE HUSBAND IS NOT ENTITLED TO CLAIM ANY INTEREST IN THE EMOLUMENTS OF HER HEREDITARY OFFICE WHICH REVERT TO THE CO-HEIRS OF THE DECEASED.

Pya.

On the death of the wife without leaving any child, her hereditary property shall revert to her younger sisters.

On the death of a woman leaving no son or grandson, lands held **Manuyin**, as emoluments of a hereditary office shall revert to her co-heirs.

The rule laid down in section 376 shall, *mutatis mutandis*, apply **Vicchedant** on the death of the wife.

[The same as **Pyu**.]

**Sōda**.

[The same as in section 376.]

**Pāparā**.

### SECTION 378.

A MAN DIES AFTER HIS PARENTS, BUT BEFORE PARTITION OF THE PARENTAL ESTATE HIS WIFE AND CHILDREN ARE ENTITLED TO HIS SHARE OF INHERITANCE.

If a co-heir dies before partition of inheritance, his wife and child- **Mano**. ren shall receive his share. In the absence of wife and children, his relatives or sworn friends living with him shall receive shares according to their deserts.

If a son dies (before partition of inheritance) his wife and children **Ditto** shall receive his share. In the absence of wife and children his co-heirs shall receive proportionate shares out of it. They shall not partition the whole of the property which constitutes the deceased's share equally among them.

If a co-heir dies at the time of partition of inheritance, his wife **MANUSIKA** and children shall receive his share.

If a co-heir dies before partition of inheritance, his wife and child- **Vilāsa**. ren shall receive his share.

If a co-heir dies before partition of inheritance his wife and child- **Ditto**. ren are entitled to receive his share. If there is no wife or children, but there is a grandchild, he or she is entitled to receive a share out of it, but not to the same extent to which a son of the deceased would be entitled.

If a co-heir dies after the parents, but before partition of inheritance, it shall not be said that he is "not in time" to inherit. His wife and children shall receive his share. Based on this rule the **Kungya** *Dhammathatlinga*, says.—“အမွေခွဲရာ၊ ပီရိသသူသေပုံကား၊ သေသူထား၌ မိသားစုဝင်ကလေးအပိုကြရ၏။” The meaning of the quotation is that on the death of a co-heir entitled to inherit, the husband or wife and children of the deceased shall receive the deceased's share.

[The same as the first extract from **Mano**.]

**Keingya**.

If a co-heir dies after the parents, but before partition of inheritance, without leaving husband or wife or children, his or her share **Dhamma** **Keingya**.

shall revert to the parental estate for the benefit of the surviving co-heirs. But if he or she leaves a wife or a husband or children or relatives living with him or her, the share to which the deceased is entitled shall be given to such wife, husband, children or relatives.

**Dhamma.** A son dies after the parents, but before partition of inheritance. The rule of partition between his wife and children and his co-heirs is as follows :—

The children of the deceased shall receive the share to which he is entitled according to his position in the family. In the absence of children his wife shall receive the share. If the afore-said children of the deceased son should also die, their children (who are the grandchildren of the deceased son) shall divide among them their grandfather's share according to the ordinary rule of partition.

**Manugyā.** A son dies after the parents, but before partition of inheritance. The rule of partition between his wife and children and his co-heirs is as follows :—

The wife or children shall receive the share to which the deceased is entitled, because he dies after the parents

**Tejo.** [The same as the first extract from Mano.]

**Manuyin.** If a son dies after the parents, but before partition of inheritance, his wife shall receive his share.

**Rāst.** If a co-heir dies before partition of inheritance, his wife or her husband and children shall receive his or her share. In the absence of such heirs the co-heirs of the deceased are entitled to it.

**Ditto.** If a co-heir dies before partition of inheritance, his wife and children shall receive his share. In the absence of wife and children his relatives or sworn friends living with him shall receive shares according to their deserts.

Therefore the Dhammathatlinga says :— “အမွေငွေ၊ ဝေငွေတို့ကိုကား ... ငြိမ်းအပ်သောအခါ၌ ဝေငွေတို့ကို” The meaning of the quotation is as follows :—

At the time of partition of inheritance, a portion of the property should be set apart to liquidate debts, to defray the marriage expenses of younger children, and to perform works of merit for the spiritual welfare of the deceased parents. The share of an absent co-heir should also be reserved. The grandchildren, or great-grandchildren of the deceased ancestors should also be given suitable shares. If a deceased co-heir leaves no child or grandchild, his share shall revert to the estate for the benefit of the co-heirs.

If a co-heir dies before partition of inheritance, his wife and children shall receive his share. In the absence of wife and children, his relatives living with him shall receive shares according to their deserts. Manu-  
vaṃṇaṇā

If a deceased co-heir leaves no child, his wife shall receive the share due to him Vicchedant.

If a co-heir dies after the parents, but before the partition of inheritance, his wife or children shall receive the share to which he was entitled. Rājabala.

If a co-heir dies after the parents, but before partition of inheritance, his wife or children shall receive his due share. In the absence of wife and children, his co-heirs shall divide his share equally among them. Manu

If a son dies before partition of inheritance, his wife and children shall receive his share. In the absence of wife and children, it shall be divided among the co-heirs. Pānari.

If a son dies after the parents, but before partition of inheritance, his wife and children shall receive the whole of his share. Ditto.

If a co-heir dies in a distant land, his wife and children shall receive his share of inheritance. Dhamma-  
sāra.

[The same as Manugyè]

Amwebôn.

The wife or the husband of a deceased co-heir is the most eligible person to receive the share of inheritance of the deceased. Cittara.

If a co-heir dies before partition of inheritance, his wife or her husband and the children shall receive his or her share. Kyetyo.

If a co-heir dies before partition of inheritance, his wife and children shall receive his share. In the absence of wife and children his grandchildren, if there are any, shall divide the share with the co-heirs, but they shall not receive as much as the latter. Ditto.

If a co-heir dies (before partition of inheritance), his wife and children shall receive his share. In the absence of wife and children his brothers and sisters, as well as his half-brothers and half-sisters shall receive shares out of his own according to their deserts. Kyannet.

If a son dies before partition of inheritance, his wife and children shall receive his share. In the absence of wife and children, his brothers, or sisters or his uncles or aunts shall receive shares out of his own according to their deserts. Ditto.

## SECTION 379.

A WOMAN DIES AFTER HER PARENTS, BUT BEFORE PARTITION OF THE PARENTAL ESTATE HER HUSBAND AND CHILDREN ARE ENTITLED TO HER SHARE OF INHERITANCE.

Mano.	[The same as the first extract from Mano in section 378]
Ditto.	[The same as the second extract from Mano in section 378]
Kungya.	[The same as in section 378.]
Dhanima- thatkyaw.	[The same as in section 378]
Manugyè.	If a daughter dies after the parents (but before partition of inheritance), her husband and children shall receive her share of inheritance and shall liquidate debts if there are any
Râsi.	[The same as the first extract from Râsi in section 378.]
Amwebôn.	[The same as Manugyè]
Cittara.	[The same as in section 378.]
Kyetyo.	[The same as the first extract from Kyetyo in section 378]
Kyannet.	[The same as the first extract from Kyannet in section 378.]

## CHAPTER XXIII.

PARTITION OF PROPERTY FOUND BETWEEN THE FINDER AND THE OWNER.

## SECTION 380.

PARTITION OF PROPERTY FOUND ON A PUBLIC ROAD BETWEEN THE FINDER AND THE OWNER.

Waru.	If any property is found on a public road, the owner shall receive two-thirds of it and the finder one-third.
Warulinga.	[Substantially the same as Waru.]
Waru- nara.	When any property is found on a public road, the owner shall receive three-fourths of it and the finder one-fourth. If the finder transfers the property to a third party, one-half of it shall be return-

ed to the owner. If the fact of the finding of the property is not made known to the public, the finder shall not convert it to his own use; and if it is transferred to a third party he shall be liable to make restitution.

The Manuvannanā Dammathat differs from the above in laying down that the finder is entitled to one-third of the property found and the owner to two-thirds.

### SECTION 381.

#### PARTITION OF PROPERTY FOUND ON A PUBLIC ROAD BETWEEN THE FINDER AND HIS TRAVELLING COMPANION.

O great king! If any property is found on a public road, it shall Waru. be divided into two and a half shares: the finder shall take a share and a half, and his travelling companion one share.

Rishi Manu says that if the finder and his travelling companion Manugyē are not teacher and pupil, the property found shall be divided equally between them.

If any property is found on a public road, the finder shall receive Warulinga. three-fourths of it, and his travelling companion one-fourth.

[The same as Manugyē.]

Amwebōn

[Substantially the same as Manugyē.]

Cittara.

### SECTION 382.

#### PROPERTY IS FOUND ON A PIECE OF LAND WORKED BY A HIRED LABOURER. PARTITION OF SUCH PROPERTY BETWEEN THE LABOURER AND THE PROPRIETOR OF THE LAND.

O great king! If any property is found by a hired labourer on a Waru. piece of land worked by him, he shall receive two-thirds of it and the proprietor of the land one-third.

[Substantially the same as Waru.]

Warulinga.

### SECTION 383.

#### PARTITION OF PROPERTY FOUND IN WATER BETWEEN THE FINDER AND ITS OWNER.

O great king! If any property is found in water, it shall be Waru. divided equally between the finder and the owner.

## SECTION 384.

A BOAT FOUNDERS PARTITION OF THE PROPERTY SALVED  
BETWEEN THE DIVER AND THE OWNER OF THE BOAT.

**Manugyè.** When a boat founders, and property is salved by a stanger, it shall be divided equally between the diver and the owner of the boat. Another rule is that the diver shall receive one-third. If the place where the boat founders is marked by the owner, then the diver is entitled to receive only one-tenth of the property salved. If he attempts to conceal it he is guilty of theft.

**Tejo.** When a boat founders, or when property falls into the water, the owner being unable to recover the property himself, marks the spot. If a stranger salves the property without the knowledge of the owner, and either appropriates it to his own use, or transfers it to another, he shall be guilty of theft. Because, the owner still desires to recover the property and he marks the spot where it lies under water. If, on the other hand, the stranger makes no attempt to conceal the property salved and return it to the owner, he is entitled to one-third of it, because he has no dishonest intention.

**Vanna-dhamma.** [Substantially the same as Tejo]

**Manu.** When a boat founders, and property contained in it is salved by a stranger, the property so salved shall be divided equally between the owner and the salver. Another rule is that the latter is entitled to one-third of it. If the owner, being unable to recover the boat and the property, leaves a mark to indicate the spot, any one who salves the property is entitled to one-tenth of it. But if the salver attempts to conceal the property he is guilty of theft.

**Warulinga.** If property is salved by a diver, it shall be divided equally between him and the owner.

**Dhamma-sāra.** When a boat founders and property is salved by a diver, it shall be divided between the owner and the diver in the proportion of two to one, provided that the latter makes no attempt to conceal the property salved. If he attempts to conceal it or transfers it to another, he shall be deemed guilty of theft.

**Amwebôn.** [The same as Manugyè.]

## SECTION 385.

PARTITION OF PROPERTY RECOVERED FROM A THIEF BE-  
TWEEN THE PERSON WHO RECOVERED IT AND THE OWNER.

**Manugyè.** The rule of partition of the property recovered from a thief between the person who recovered it and the owner is as follows:—

If the owner is not one of those who captured the thief, the property recovered shall be divided equally between the owner and the person who captured the thief and recovered the property. If the owners are among those who captured the thief and if they are more in number than those who helped to secure him, the property may be divided according to discretion. So says Rishi Manu.

The rule of partition of the property recovered from a thief between the person who recovered it and the owner is as follows —

If the owner is not one of those who captured the thief the property recovered shall be divided equally between the owner and the person who captured the thief and recovered the property.

[Substantially the same as Manugyè.]

Amwebbon.

### SECTION 386.

#### PARTITION OF TREASURE-TROVE BETWEEN THE FINDER AND THE OWNER.

The rule of partition of treasure-trove between the finder and the owner is as follows:—If a guard is kept over the property buried, and if the owner proves to the satisfaction of the authorities that the property is unearthed owing to the remissness of those commissioned to keep watch, and if he is able to give an inventory of the property hidden which corresponds with the property discovered, the finder and the owner shall divide it equally between them, because, the guard is to blame. The same rule applies when no guard is kept, provided that the owner can prove to the satisfaction of the authorities that the treasure-trove is his.

If any one attempts stealthily to obtain any hidden treasure, evading the guard kept by the owner, he shall be deemed guilty of theft. So says Rishi Manu.

A person who discovers buried treasure, shall give one-half of it to the owner should he appear and claim it, provided he can prove that he kept a guard over it. He is entitled to the whole of it should no such owner appear. The same rule applies when no guard is kept. If any one attempts to obtain any buried treasure, evading the guard kept over it, he shall be guilty of theft,

[Substantially the same as Manugyè.]

Manu,  
 1st & 2nd  
 extracts.

## SECTION 387.

A MEMBER OF A COMPANY OF WORKMEN DIES, PARTITION BETWEEN THE FAMILY OF THE DECEASED AND THE SURVIVING MEMBERS.

**Waru.** When a member of a company of workmen dies, the family of the deceased is entitled to the wages earned by him.

**Warulinga.** [Substantially the same as Waru.]

## SECTION 388.

PARTITION OF TREASURE-TROVE BETWEEN THE FINDER AND THE GOVERNMENT.

**Manugyè.** If no owner appears at the time of discovery of a treasure-trove, and if the Government knows of the discovery, the treasure shall be divided equally between the finder and the Government. Another rule is that the latter is entitled to one-tenth of it.

If the discoverer takes the property knowing that the owner and his or her representatives are no longer living, and if he does not inform the headman of the village or other official, he shall give up the whole of the property to the Government, except only a tenth of it. So says Manu, the Rishi.

**Dhamma-sāra.** If a person finds hidden treasure and conceals it, he shall be made to deliver the whole of it to the State. If no attempt is made to conceal it, the partition between the finder and the Government shall be as follows:—

If the finder is a Brahman he shall receive one-half of it; if a rich man eight-twentieths; and if one of the common people one-third.

**Anwobhōn.** [Substantially the same as Manugyè.]

## CHAPTER XXIV.

PARTITION OF THE ESTATE OF BRAHMANS.

## SECTION 389.

THE NINE CLASSES OF BRAHMANS.

**Dhamma.** The nine classes of Brahmans are the following:—(1) Brahmacāri, (2) Brahmana, (3) Khattiya (Kshatriya), (4) Suddhiya, (5) Bishya (Vesha), (6) Rakkhita, (7) Thāradvāja, (8) Candāla and (9) Kapasā.

Of these the first enjoys exemption from the obligation to take the oath in any legal proceeding. The second, third, fourth, fifth and sixth classes shall take their oath by putting the edge of a sword on a cow's neck, and quenching a fire before the image of Vishnu. The seventh and eighth classes shall take the oath in the manner described above, and shall also undergo the ordeal of plunging the hand into molten lead. And the last class shall take the oath by soaking in water the trident and black leopard skin carried about by them and by making a solemn affirmation.

The following are the nine classes of Brahmins :—(1) the Brahmacāri; a Brahmin of this class is well versed in the Vedas, cares not for worldly goods and leads a celibate's life : (2) the Brahmana; a Brahmin of this class is versed in the Vedas, leads a married life, and accepts gifts made by others : (3) the Kṣātriya (Kshatriya); a Brahmin of this class is one who has reached kingly estate though of Brahmin origin : (4) the Suddhiya; a Brahmin of this class does not live on the gifts of others but earns his living by trade : (5) the Bishya (Veshya); a Brahmin of this class earns his living by agriculture : (6) the Rakkhita; a Brahmin of this class shows strict adherence to his caste rules and practices : (7) the Bhāradvāja; a Brahmin of this class is very uncourteous in manners and speech, and usually earns his living by acting as door-keeper; this class may also include a Caṇḍāla : (8) the Caṇḍāla; one born of a Brahmini but begotten by one who is not a Brahmin, or one who is expelled from any of the other classes owing to breach of caste rules and observances, belongs to this class : (9) the Tapasī; a Brahmin of this class takes upon himself one or other of the ascetic practices after severing himself from all family ties.

Ditta.

Of the nine classes of Brahmins enumerated above, the first, second, third, fourth, and fifth classes are known as the superior classes. A Brahmin of the first, i.e., Brahmacāri class, is exempt from the obligation to take the oath; it is sufficient if he makes a solemn affirmation. Those of the Brahmana, Kṣātriya (Kshatriya), Suddhiya, Bissa (Bishya or Veshya) and Rakkhita classes, shall take their oath either by placing the edge of a sword on a cow's neck, or by burning a lamp before the image of Vishnu, the wick being composed of their Brahminical threads, and asseverating at the same time that should they be telling the untruth, their belongings, family, and relatives be ruined and lost to them even as the wick is consumed by the fire. Those belonging to the Bhāradvāja and Caṇḍāla classes shall take their oath as described above, or shall undergo the ordeal of plunging the hand into molten lead. A Brahmin of the Tapasī class shall take his oath by immersing his trident and black leopard skin in water.

## SECTION 390.

ON THE DEATH OF A BRAHMAN, PARTITION BETWEEN HIS  
BRAHMANI WIFE AND THE ELDEST SON.

**Dhamma.** On the death of a Brahman, the rule of partition between his Brahmani wife and the eldest son is as follows —

The eldest son shall receive the insignia of office, such as the Brahmanical threads, head-dress and other clothes and ornaments, Brahmanical shell, cups, utensils, elephants, ponies and one male slave. His mother shall take all the female slaves. The remaining property, animate and inanimate, shall be divided into four shares : the mother shall receive three shares, and the eldest son one share.

**Manugyè.** On the death of a Brahman, the rule of partition between his Brahmani wife and the eldest son is as follows :—

The eldest son shall receive the insignia of office, such as the Brahmanical threads, head-dress, and other robes and ornaments, Brahmanical shell, cups, trays, utensils, elephants, ponies and one male slave. His mother shall take her clothes and ornaments and all the female slaves. The remaining property shall be divided into four shares : the mother shall receive three shares and the eldest son one share, just as in the case of partition among those who are not Brahmans. The son ought, however, to make over the whole of the property to the mother without partition and maintain her.

**Manu.** On the death of a Brahman, partition of his estate between his Brahmani wife and the eldest son shall be made as follows :—

The eldest son shall receive first the Brahmanical threads, head-dress, clothes and ornaments, Brahmanical shell, cups, trays, elephants and ponies. The wife shall take her clothes and ornaments and all the female slaves. The remaining property shall be divided into four shares : the son shall have one share and his mother three shares.

**Ditto.** *Another rule.*—The whole of the property shall be made over to the mother, and she shall be maintained for the rest of her life. Only on her death shall partition be made among the children.

**Amwebén.** [The same as Manugyè.]

## SECTION 391.

ON THE DEATH OF A BRAHMAN, PARTITION BETWEEN HIS  
BRAHMANI WIFE AND HIS CHILDREN.

**Dhamma.** The whole of the property shall be divided equally between the surviving wife and the children, and she shall be maintained by them. The rule applies only to Brahmans.

The following rule applies to the nine classes of Brahmins :—The *Manugyè* whole of the animate and inanimate property shall be divided equally between the surviving wife and the children of the deceased by her.

The estate of Brahmins who have not lost their caste shall be *Manu* inherited by their children or grandchildren

*Another rule.*—The Brahmani mother shall receive one-half of *Ditto* the property and the children by her the other half.

[Substantially the same as Dhamma.]

*Amwebôn.*

### SECTION 392.

#### ON THE DEATH OF A BRAHMAN, PARTITION AMONG HIS WIVES BELONGING TO THE FOUR CLASSES.

On the death of a Brahman having many wives from different classes whom he keeps in separate houses and with whom he "eats out of the same dish," they shall retain what is in their possession, but shall have no claim on one another. *amma.*

[Substantially the same as Dhamma.]

*Manugyè.*

A Brahman has four wives, namely, one belonging to the Brahman class, a second belonging to the ruling class, a third to the trading class, and a fourth to the poor class. On the death of the husband, the wife belonging to the Brahman class shall receive four shares, that belonging to the ruling class three, that belonging to the trading class two, and that belonging to the poor (or agricultural) class one share. *Manu-vappanâ.*

[Substantially the same as Manugyè.]

*Dâyajña.*

On the death of a Brahman having four wives belonging to four different classes, his estate shall be divided into ten shares: the wife belonging to the Brahman class shall receive four shares, that belonging to the ruling class three, that belonging to the trading class two, and that belonging to the agricultural class one share. *Dhamma-sâra.*

[The same as Manugyè.]

*Amwebôn.*

### SECTION 393.

#### IF A BRAHMAN DIES WITHOUT HEIRS, THE SURVIVING MEMBERS OF HIS CASTE ARE ENTITLED TO INHERIT HIS ESTATE.

If a Brahman dies without heirs or pupils, the other Brahmins *Manu* living with him are entitled to inherit his estate.

**Pyu.** If a Brahman dies without heirs, the surviving members of his caste shall inherit his estate.

**Vilāsa.** [Substantially the same as Pyu.]

**Ditto.** If a Brahman dies without heirs or pupils, the surviving members of his caste are entitled to inherit his estate.

**Kaingza.** [Substantially the same as Mano.]

**Dhamma-thatkyaw.** [Substantially the same as Pyu.]

**Dhamma.** On the death of a high-caste Brahman and his wife without heirs, their estate shall be divided among the surviving members of their caste as follows:—

The head of the caste to which the deceased belong shall first take the Brahmanical shell, the ceremonial robe, cooking pots and drinking *lota*. The remaining property shall be divided into ten shares, and he shall again take one share. The remainder shall then be divided equally among all the other members of the same caste.

**Manugyè.** [Substantially the same as Dhamma.]

**Kandaw.** [Substantially the same as Mano.]

**Tejo** [Substantially the same as Mano.]

**Vappa-** [Substantially the same as Mano.]

**Dhamma.**

**Vappanā.** If a Brahman dies without heirs, the other Brahmans living with him shall inherit his estate.

**Rād.** [Substantially the same as Pyu.]

**Ditta.** [Substantially the same as Mano.]

**Manu-** [Substantially the same as Mano.]

**vāṇanā.**

**Sōda.** [The same as Pyu.]

[Substantially the same as Dhamma.]

**Pāṇā.** [Substantially the same as Pyu.]

**Amvāṇ.** A Brahman who acts up to the practices of his caste dies without heirs. His estate shall be divided as follows:—

The head of the caste to which the deceased belongs shall first take the Brahmanical shell, the ceremonial robe, cooking and drinking pots, and *lota*. The remaining property shall be divided into ten shares, and he shall again take one share. The remainder shall then be divided equally among all the other members of the caste.

[Substantially the same as Pyu.]

Cittara.

[Substantially the same as Pyu.]

Kyeto.

## CHAPTER XXV.

### PARTITION OF THE ESTATE OF RAHANS OF PONGYIS.

#### SECTION 394.

##### THE THREE KINDS OF PROPERTY BELONGING TO RAHANS.

According to the Vinaya Pitaka, there are three kinds of heritable Rāst. property belonging to a dying *rahan*, and three classes of heirs. The former are the following:—

- (1) the alms-bowl and the robes,
- (2) the *lahubhan* property, and
- (3) the *garubhan* property.

There are three classes of heritable property belonging to *rahans*, Rājapala. namely:—

- (1) the *lahubhan* property,
- (2) the *garubhan* property, and
- (3) the alms-bowl and a set of robes.

#### SECTION 395.

##### THE THREE CLASSES OF HEIRS OF RAHANS.

On the death of a *rahan*, his pupils shall inherit his property. Vassant.

The three classes of heirs to a *rahan's* property are— Rāst.

- (1) His attendants during illness.
- (2) The *rahans* who are within the monastery precincts at the time of his death or are living with him.
- (3) Other *rahans* in-general.

[Substantially the same as Rāst.] Rājapala.

On the death of a *rahan*, his pupil shall inherit his property as a Kyeto. son inherits his father's estate.

#### SECTION 396.

##### THE TWENTY-FIVE KINDS OF GARUBHAN PROPERTY OF RAHANS.

Of the three kinds of heritable property belonging to *rahans*, the Rāst. alms-bowl and the robe do not call for any explanation. All such property as are not included in the twenty-five kinds of *garubhan*

property are known as *lahubhan*. The twenty-five kinds are classified under five heads. Under the first are:—(1) \*Fruit and flower trees, and (2) the land on which they stand. Under the second are:—(1) The monastery and (2) the land on which it stands. Under the third are:—(1) Bedstead, (2) low couch, (3) unquilted bedding and (4) pillows. Under the fourth are:—(1) Brass cooking-pot, (2) brass water-pot, (3) brass basin, (4) brass wash-tub, (5) adze, (6) axe, (7) *mamooty*, (8) *da* and (9) chisel. Under the fifth are:—(1) Creeper, (2) bamboo, (3) *pyusan* grass, (4) *pyeik* grass, (5) thatch, (6) white, red, black, blue and yellow earth, (7) wooden utensils, and (8) earthen utensils.

Of the above, the brass cooking-pot, brass water-pot, and brass wash-tub are *garubhan* property irrespective of size. They fall into the *garubhan* class even if any of them holds only a handful of water. A basin made of any of the following metals, namely, black alloy of copper, copper, brass, and platinum, and having a capacity of five magadhese *kunsas* and under (a magadhese *kunsa* = about  $\frac{1}{80}$  of a basket =  $\frac{1}{80}$  of a gallon) is *lahubhan* property. If it is of a larger capacity, it falls under *garubhan* property. Kettle, spittoon, cup with a long handle, ladle with a flat end, ladle with a cup-like end, cups large and small, alms-bowl box, portable open stove, and poker are *garubhan* property irrespective of size. The alms-bowl, the iron and the copper cups are *lahubhan* property. Of the iron implements, the rod for applying eye-lotions, ear-pick, needle, style, knife, awls, large and small, hook for fastening and unfastening doors, bolt, staff, spike, pipe for taking snuff, forked staff, iron ball, rod iron, lump iron, sheet iron and disc iron are *garubhan*, and iron which has not been converted into the abovementioned implements is *lahubhan* property. The smoking pipe, harrow, oil-lamp with stand, open oil-lamp without stand, hanging oil-lamp, figures of men, women, and birds, iron peg, cowries, glazed cups, flower vase and oil-container of over five *kunsas* capacity are *garubhan* property. Shears for cutting tooth-brush twigs and small adzes are *lahubhan* property. But a large adze, glass-cutter, axe, *da*, *mamooty*, as well as various kinds of chisels without handles whose edges are 4 inches and upwards are *garubhan* property. The chisels become *lahubhan* property when they have handles affixed to them. All kinds of awls are treated in the same way as chisels. Anvils, hammers, tongs, and weights and measures and other instruments made of iron and used by smiths and braziers become *garubhan* property from the time they are given to or pass into the hands of *rahans*. Small knives and shears and others small tools used by plumbers, goldsmiths and tanners are *lahubhan* property; larger ones, however, fall into the *garubhan* class. A piece of cane

about half the size of the arm is *garubhan* property whether it is given to a *rahan* or taken possession of by him during his sojourn in any place. Ropes made of *thinhan*, *shaw*, coir, or thongs when twisted in strands are *garubhan* property from the time they are given to *rahans*, and *lahubhan* when not so twisted. Bamboos given to or are taken possession of by a *rahan* during his sojourn in any place are *garubhan* even though they may be about the size of a style and about six inches in length. A bamboo oil-container about a *kunsa* in capacity, bamboo staff, bamboo awl as used by sandal-makers, bamboo umbrella handle and frame are *lahubhan* property. *Pyusan* grass, *pyeik* grass, a handful of thatch, a leaf of the toddy-palm, blank palmyra leaf of six inches in length are *garubhan* property. Ordinary earth and the five different coloured earths about the size of a ripe toddy-palm fruit, cement, *pwènyet*, *kanyin* oil, *thitsi*, and soapstone are *garubhan* property. Asafoetida, cinnabar, orpiment, realgar, and bluestone are *lahubhan* property. All kinds of wooden utensils from six inches in length and the size of a style in thickness given to a *rahan* or are in his possession during his sojourn in any place are *garubhan* property at the place where he keeps them in possession. Such wooden furniture as bedsteads and couches made of various substances and in various shapes whether large or small, wooden boards for washing, kneading, or pressing robes, stone for making the tufted end in tooth-brush twigs, mallet for striking the *kaladet*, wooden troughs for holding water, yellow dye, or waste dye, things made of bamboo or elephant tusks, such as cup, box, covered basket of more than five *kungas* capacity, troughs for holding water, pot, cup with handle, ladle, drinking cup, and drinking shell are *garubhan* property. Shell cups, wooden mallets, and *kaladets* are *lahubhan* property. Roughened wooden boards, or coils of cloth rope for shaking the dust off the feet, alms-bowl stand and cover, fans, flower-vases, brooms with or without handles, whether large or small; all kinds of materials used in building a monastery, such as stone or wooden posts or stairs, mats, and skins the use of which by the members of the Order is forbidden, are *garubhan* property; sheep-skin and goat-skin which fall into the same class as bed covers are also *garubhan* property. All skins which the members of the Order are permitted to use are *lahubhan* property, but they are *garubhan* if they are about the size of a couch. Pestle, mince-board, stone-slab, stone-roller, stone-cup, stone-pot; implements used by weavers and cultivators, and wheeled carts are *garubhan* property; the legs and frame of a couch or bedstead, the handles of adzes, &c., are *lahubhan* if they have not been fixed up, but become *garubhan* when they have been so; things which are not mounted with

gold or silver, such as files, handles of adzes, umbrellas, toddy or other palm leaves which may be used as umbrellas, staves, sandals, shoes, fire-striking apparatus with cylinder and piston, and filters are *lahubhan*; pots and water containers made of *shitsha* (*cicca albizzioides*), vessels made of gourd shells, horns and oil-containers are *lahubhan* property if they are of less than five *kunzas* capacity, and are *garubhan* if larger. Elephant tusks and horn in their natural state are *lahubhan*, but they become *garubhan* when manufactured into legs of couches and bedsteads. Vessels for holding asafoetida or eye-lotions, rod for applying eye-lotions, button and loop of a *rahan*'s robe, and towels are *lahubhan* property. Things made of earth, such as pots, bowls, and vessels, with their covers, smoking pipes, lamps, bricks, tiles, and pinnacles of steeples are *garubhan* property; flower-vases, begging-bowls, drinking-cups and kettle which are of less than five *kunzas* capacity are *lahubhan* property, so is also a copper kettle holding less than five *kunzas*. All kinds of property designated as *lahubhan* property are subject to partition, while those designated as *garubhan* are not so.

**Vinicchaya.** *Garubhan* property is classified under five heads and it consists of twenty-five kinds which are as follows :—

- |                           |                           |
|---------------------------|---------------------------|
| (1) garden trees,         | (13) adze,                |
| (2) garden land,          | (14) axe,                 |
| (3) monastery,            | (15) <i>mamooty</i> ,     |
| (4) the land on which the | (16) <i>da</i> ,          |
| monastery stands,         | (17) chisel,              |
| (5) bedstead,             | (18) creeper,             |
| (6) low couch,            | (19) bamboo,              |
| (7) unquilted bedding,    | (20) <i>pyusan</i> grass, |
| (8) pillows,              | (21) <i>pyeik</i> grass,  |
| (9) brass pot,            | (22) <i>thaman</i> grass, |
| (10) brass cup,           | (23) loose earth,         |
| (11) brass wash-tub,      | (24) wooden utensils,     |
| (12) brass basin,         | (25) earthen utensils.    |

Blank palmyra leaves are also classed by some commentators under *garubhan* property.

**Masa-**  
**vappana.**  
**Pakkasani.**

[Substantially the same as Vinicchaya.]

[Substantially the same as Vinicchaya.]

**Ujjabala.**

[Substantially the same as the first paragraph in Rāsi.]

## SECTION 397.

## THE GARUBHAN PROPERTY OF RAHANS IS NOT SUBJECT TO PARTITION.

On the death of the head monk of a monastery, the head pupil Tejo shall inherit the deceased's utensils, gardens, tanks and other property received as gifts. The remaining property including slaves, shall be divided into four shares: the head pupil shall again take two shares and the pupil next him in rank one share. The remainder shall again be divided into four shares: the young members of the Order shall receive three shares and the novices one share. The lay pupils or relatives shall retain what has been given them and delivered into their hands. In the absence of monastic and lay pupils, the other *rahans* who are in concord with the deceased shall inherit the property, because lay relatives of a *rahan* are not recognized as his co-heirs.

[Substantially the same as Tejo, but with the following additional provision] Vanna-dhamma.

The rule applies when pupils belonging to the Order and not lay pupils supported the deceased *rahan*. If, on the other hand, the latter and not the former supported the deceased, the supporter alone inherit the deceased's personal property.

Of *garubhan* and *lahubhan* property belonging to *rahans*, the former being *sanghika* property, is not subject to partition among lay heirs. Ditto.

The *garubhan* property of a deceased *rahan* is not subject to Rāsi. partition like the *lahubhan* property. It becomes *sanghika* property and may be inherited by all *rahans* from all quarters.

On the death of the head monk of a monastery, the head pupil Vinicchaya. shall inherit the deceased's utensils, as well as gardens and tanks. The rest of the property including slaves, shall be divided into four shares: the head pupil shall again take two shares, and the pupil next him in rank shall take one share. The remaining portion shall again be divided into four shares: the young members of the Order shall receive three shares, and the novices one share. The lay pupil shall retain what has been given him and delivered into his hands. In the absence of monastic pupils, the other *rahans* who are in concord with the deceased shall inherit the property.

Again, on the death of a pupil, the head monk is entitled to inherit the whole of the deceased's property, but if there is one who supported the deceased during illness, his claim overrides that of the head monk.

This is in accordance with what the ancient Dhammathats say on the subject. These ancient authorities are taken exception to by the compilers of the Manusāra and Mahayazathatkyi as being inconsistent with the Vinaya. The present compiler has, to avoid adverse criticism, merely mentioned what the ancient jurists have laid down. The *rahans* have, in the Vinaya, their own rules to go by, and these will be given later.

**Vinicchaya.** *Garubhan* property shall not be subject to partition.

**Ditto.** *Garubhan* property of a deceased *rahan* shall not be subject to partition among *rahans* far and near.

**Manu-vannā.** [The same as the second extract from Vinicchaya.]

**Pakāsani.** The *Garubhan* property of a deceased *rahan* shall not be subject to partition among *rahans* who have arrived at the place where the deceased resided, nor shall any portion of it be sent to those resident in distant lands.

*Rahans* who are resident in the same place as the deceased are much less entitled to it. The same rule applies when a novice dies. Such property shall be reserved for the use of the members of the Order.

**Rājabala.** *Garubhan* property shall not be subject to partition nor shall it be given away.

Any member of the Order is at liberty to use it as *sanghika* property, and he is not liable to restore it in case of destruction or of depreciation in value; but if used as *puggalika* property, the user shall be liable to make good its loss or depreciation in value.

#### SECTION 398.

#### THE LAHUBHAN PROPERTY OF RAHANS IS SUBJECT TO PARTITION.

**Mano.** On the death of the head monk of a monastery, the head pupil shall inherit the deceased's utensils, gardens, tanks, and other property received as gifts. The rest of the property shall be divided into four shares: the head pupil shall again take two shares, and the pupil next him in rank one share. The remaining share shall again be divided into four shares: the young members of the Order shall receive three shares, and the novices one share. The lay pupil or relative shall retain what has been given him and delivered into his hands. In the absence of lay and monastic pupils, the other *rahans* who keep company with the deceased shall inherit because lay relatives of a *rahan* are not recognized as his co-heirs.

The above rule is what is laid down in the Dhammathats.

According to the *Vinaya Piṭaka* the rule is as follows —

The *rahan* or novice who attended on the deceased *rahan* during the latter's illness, whether he is the latter's pupil or not, shall give half the deceased's property to the *rahans* resident in the same monastery or diocese as the deceased. In the division of the property which falls to the share of the resident *rahan*, the said attendant, if himself a *rahan*, is entitled to receive an additional share, or if a novice, half a share.

The person attending on the deceased *rahan* during illness, whether himself a *rahan*, novice, or layman, shall retain any gift made by the deceased during his life-time. The rest of the property shall be divided among the *rahans* who are entitled to inherit. If a novice attended on the deceased during the latter's illness, he is entitled to receive the *rahan's* eight utensils and half a share in the division of the deceased's property among *rahans*. If a layman attended on the deceased he is entitled to receive the value of the eight utensils, but to the rest of the property he shall have no claim, because only *rahans* are recognized as heirs to one another. If the property belonging to the deceased is at a place different from that at which he dies, the *rahans* resident in that place shall inherit.

Among *rahans*, the head monk shall inherit his pupil's property Mano. on the latter's death. Again, on the death of the head monk, his head pupil shall succeed to his eight utensils and landed property. The remainder, including slaves, shall be divided into four shares: the pupil who is himself a *rahan* shall receive one share, the pupil who is a novice one share, and the lay pupil two shares. Relatives who perform the burial rites or works of merit for the spiritual welfare of the deceased *rahan*, shall retain the property which is given them and delivered into their hands.

[Substantially the same as the first extract from Mano.] Kaingsa, 1st  
2nd, & 3rd  
extra. extra.  
Yazathat.

On the death of the head monk, his property shall be divided into three shares and a half: the pupil who is already a member of the Order shall receive two shares, the pupil who is a novice one share, and the lay pupil who is a relative half a share. The reason why lay relatives shall receive a portion out of the property which belongs exclusively to *rahans* is that they are not exempt from liability to punishment for any criminal offence which may be committed by their *rahan* relatives.

When the chief *rahan* dies, the surviving senior *rahan* shall Dhammaw  
chattā. succeed to the monastery and monastic property consisting of the furniture, monastery lands, and garden and other culturable lands.

If the furniture and utensils and articles appertaining to laymen are numerous, they shall be divided into four shares one share shall be given to the abbot, two to the monk next to him in seniority, and the remaining share to the novices. No laymen relatives, however closely related they may be to the deceased, shall obtain any share. They may, however, retain anything handed over to them by the deceased in his life-time. The reason is that they are not members of the Order. If the person who attended on the deceased up to the time of his death is a monk or a novice, he shall obtain the deceased's alms-bowl, robes, and other personal property in addition to the share he obtains in common with the others. If he is a layman, he shall obtain no such share, but shall be given a fair portion of non-monastic articles, if any, or if there are no such articles he shall be given some alms-bowls and monastic robes. If the deceased had openly made a gift of any property to a favourite pupil, whether monk or layman, the gift shall hold good. Otherwise it shall be included in the common heritable property.

Dhamma-  
thatkyaw.

On the death of *rahans* and Brahmans without leaving any heirs residing with them, other *rahans* or Brahmans shall inherit their estate, there being no escheat to the State of property belonging to them, as would be the case if persons other than they were to die heirless.

Manugyè.

On the death of the head monk the rule of partition among his head pupil, senior and junior *rahans*, novices, and laymen is as follows :—

The head pupil shall receive the eight utensils of *rahans*, garden land, tank, rice, &c. The remaining animate and inanimate property consisting of gold, silver, slaves, &c., shall be divided into four shares : the head pupil shall receive two shares, and the *rahan* next him in seniority one share. The remaining share shall again be divided into four shares : the junior *rahans* shall receive three shares, and the novices one share. The lay relatives of the deceased shall receive what has been given them by him and delivered into their possession during his life-time. If lay relatives supported the deceased in health, attended on him during illness, and buried him on death, they simply earn merit by their services, but they cannot inherit the deceased's property. Such services when rendered to a lay relative would entitle them to inherit his property on his death. So says Rishi Manu.

According to the *Vinaya Pitaka*, whoever attended on a deceased *rahan* during his illness, whether he be a layman, *rahan* or novice, shall receive the eight utensils of the deceased, namely, *duggha* (i.e., the spare robe folded many times and carried over the left shoulder

when travelling), *koyôn* (i.e., the robe covering the shoulders and chest and reaching below the knee), *thinbaing* (i.e., the robe wound round the waist and reaching to about the ankles), belt, alms-bowl, filter, needle, and adze. If the attendant is a layman he shall receive their value instead. Besides those mentioned above, there are other robes, alms-bowls, styles, tanned leather, &c., classified as *garubhan* and *lahubhan* or impartible and partible property, the former consisting of twenty-five kinds, and they are found in every monastery. The rule of partition of the latter class of property is found in the Vinaya.

On the death of the head monk of a monastery, the head pupil shall receive the *rahan's* eight utensils, garden land, tank, rice, &c. Other property including slaves shall be divided into four shares: the head pupil shall again take two shares, and the *rahan* next him in seniority one share. The remaining share shall again be divided into four shares: the junior *rahans* shall receive three shares and the novices one share. Lay relatives and attendants during the deceased's illness shall not receive any share in the partition, they deriving spiritual benefit by their services; but they shall retain what has been given them and delivered into their possession. In the absence of the four classes of heirs mentioned above, other *rahans*, and not lay relatives, shall inherit the property. Kandaw.

[Substantially the same as the second paragraph in Ditto.  
Mano.]

In laying down the rule to distinguish *garubhan* from *lahubhan* property, the *kunsa* measure of capacity is defined in different ways by various writers. Briefly, it is as follows:— Rist.

One handful is known as a *kadôn*, and four *kadôns* make a *kunsa*.

In the partition of *lahubhan* property, it is seldom laid down that shares should vary in proportion to the seniority of the recipient, judged from the length of time they have been in the Order. When division is made of the robes, those which are received during the months other than that specified for receiving gift of robes (i.e., from the first waning of *Thadingyut* to the first waning of *Tasaungmôn*) shall be divided as follows:—

A novice who renders service only to his tutors and not to all *rahans* in general shall receive only half as much as a *rahan*, while he who renders service to his tutors as well as to other *rahans*, shall receive as much as a *rahan*; no distinction shall be made between novices and *rahans* in the division of robes received during the specified month, and they shall receive equal shares.

No imputation of partiality can be made to the framer of the rule for thus making a distinction among novices, because shares are

allotted according to the services they render and to the other qualifications they possess.

Rāst. [Substantially the same as the first extract from Kandaw.]

Vinicchaya. On the death of the head monk, the *lahubbhan* property shall be divided among his pupils living with him.

Manu-  
vannā. On the death of the head monk of a monastery, his head pupil shall succeed to the *rahan's* utensils, garden lands, tank, and other gifts made to the deceased. Other property including slaves shall be divided into four shares: the head pupil shall again take two shares, the pupil next him in seniority one share, and the novice one share. In the absence of such heirs, other *rahans* residing in the same monastery or diocese shall inherit the property. Lay pupils shall retain any property which has been given them and delivered into their possession. Even if there are no novices to inherit, still the lay pupils shall not receive any share in the partition; they shall retain only what has been given them and delivered into their hands, because laymen are not the heirs of *rahans*.

The above is the rule laid down in the Dhammathats; that in the *Vinaya* is as follows:—

If during the illness of the head monk he is attended upon by his own pupil or by a stranger, the latter shall, on the death of the former, receive the utensils used by the deceased during his life-time, the alms-bowl and the three robes which form the dress of a *rahan*, in addition to a share in the partition of the deceased's property other than those named above. Out of such remainder the head pupil shall receive two shares, the pupil next him in seniority one share and a half, and the novice one share; according to some writers the novice shall receive half a share.

*Another rule.*—On the death of the head monk of a monastery, the head pupil shall inherit the utensils used by the deceased during his life-time, garden lands, and other gifts made to the deceased. The rest of the property including slaves shall be divided into four shares: the head pupil shall again take two shares, and the pupil next him in seniority shall take one share. The remaining share shall again be divided into four shares: the young members of the Order shall receive three shares, and the novices one share. The lay pupils shall retain what has been given them and delivered into their hands. In the absence of monastic pupils, other *rahans* of the same monastery or diocese shall inherit the property. On the death of the pupil, the head monk shall succeed to the whole of the animate and inanimate property of the deceased.

Another rule is that if there is one who attended on the deceased during his illness, he shall receive an additional share for his services.

[Substantially the same as Tejo in section 397, but with Pakāsaṃ the additional provision that the *rahan* or novice who attended on the deceased during his illness shall, in addition to a share in the partition of the property, receive some article of his own choice out of the said property ; and that in the absence of all the other heirs enumerated above, the head pupil shall succeed to the deceased's estate.]

On the death of a *rahan*, his *lahubhan* property shall be divided Ditto. among the *rahans* residing in the same monastery.

The *lahubhan* property of a deceased *rahan* can be partitioned RAjabala. in the following way :—

To the person who attended on the deceased during his illness shall be given the deceased's alms-bowl and the three robes, whether the said attendant be a *rahan*, layman or even a woman ; in the case of the two latter the value of the articles shall be given. If several persons attended on the deceased during his illness, and are equally assiduous in their attendance, they shall receive equal shares. Should any one of them show more zeal and patience in attendance, such person shall receive a larger share. If the deceased leaves no alms-bowl or monastic robes, only such portion out of his other property as represents their equivalent in value shall be given to the attendant.

On the death of the head monk of a monastery, the head pupil Manu. shall receive the deceased *rahan's* utensils, garden lands and other property, such as rice, oil, salt, &c. The remaining property including slaves shall be divided into four shares : the head pupil shall receive two shares, and the pupil next him in rank one share. The remaining share shall again be divided into four shares : the young members of the Order shall receive three shares, and the novices one share. The lay pupil shall retain only that which has been given him by the deceased during his life-time. In the absence of monastic pupils, other *rahans* resident in the same monastery shall inherit the property. The lay relatives shall have no claim to them because laymen are not recognized as eligible heirs to inherit a *rahan's* property.

[Substantially the same as Manugye]

Amu.

## SECTION 399.

GIFT MADE BY A *RAHAN* INTENDED TO TAKE EFFECT ON HIS DEATH IS INVALID.

**Rāst.** A gift made by a *rahan* to the head monk of a monastery, or to the *rahans* who officiated at his ordination, or to other *rahans* living with him, or to his pupil, and entrusted to the custody of five other *rahans*, is invalid, if it was intended to take effect after his death. The subject of such gift becomes *sanghika* property

**Rājabala.** A gift made by a *rahan* to take effect after his death is invalid. The subject of the gift becomes *sanghika* property

## SECTION 400.

AN INTIMATE FRIEND IS ENTITLED TO INHERIT THE ESTATE OF A DECEASED *RAHAN*.

**Rāst.** A gift made by a *rahan* during his life-time is valid. And a *rahan's* property appropriated by a person during the life-time of its owner on the strength of the intimacy subsisting between the two, shall become the property of the person who appropriated it. It is only when such person so pleases, that those who attended on the deceased can inherit a share of the property

**Vinicchaya.** On the death of a *rahan* who, during his life-time, makes over his property to a person, or whose property is appropriated during his life-time by a person on the strength of the friendship subsisting between the two, the property so made over or appropriated becomes vested in the donee or the person who appropriated it, and it shall be divided according to his wishes.

**Manu-vaggaṇā.** [Substantially the same as Vinicchaya.]

**Pakāsaṇi.** On the death of a *rahan* who, during his life-time makes over his property to a person, or whose property is appropriated during his life-time by a person who enjoys his friendship, the property so made over or so appropriated becomes vested in the donee or the person who appropriated it.

**Rājabala.** [Substantially the same as Rāst.]

**Ḍitta.** There are three conditions any one of which must be fulfilled before the property appropriated by a person on the strength of friendship can become vested in him, namely, (1) the owner of the property appropriated must have personally met with the person who appropriated it, (2) or they must have lived together, (3) or

there must have been an invitation on the part of the owner to take his property if the person who appropriated it so desires

Any one of the above conditions coupled with the facts that the owner was glad of the appropriation and that it took place during the owner's life-time would entitle the person who appropriated it to have absolute ownership over the property.

### SECTION 401.

#### ONE OF TWO OR MORE *RAHANS* POSSESSING JOINT PROPERTY DIES THE SURVIVOR OR SURVIVORS INHERIT HIS SHARE IN THE ESTATE

In the absence of the five classes of pupils, other *rahans* shall <sup>Mano.</sup> divide equally among themselves the property of the deceased *rahan*, because, they are members of an Order bound by the same rules.

Only *rahans* shall inherit a deceased *rahan's* property, the lay <sup>Manussika.</sup> relatives being entitled to retain what has been given them and delivered into their hands.

On the death of a *rahan* leaving no monastic pupils or laymen <sup>Kainga.</sup> to whom his property was given during his life-time, other *rahans* who lived in concord with the deceased shall inherit his property. The reason is that a *rahan* is not regarded as a relative of a layman.

On the death of a *rahan*, the other *rahans* who are entitled to <sup>Ditto.</sup> inherit shall inherit his property in the absence of the four classes of pupils. Because, a *rahan* is not regarded as a relative of a layman. The above is the rule as laid down in the Dhammathats.

On the death of one of two or more *rahans* possessing property <sup>Rasi</sup> jointly, the survivor or survivors shall inherit the deceased's share of the property. On the death of all the *rahans* so possessing property, it shall become *sanghika* property.

\* If a *rahan* dies in a monastery other than the one in which he <sup>Vinichaya.</sup> resides, the *rahans* of that monastery shall inherit the property which the deceased has brought with him. But if he dies in his own monastery, his pupils living with him shall inherit his property.

If one of two *rahans* living together dies, the survivor shall inherit the deceased's property.

If one of two *rahans* living together dies, the survivor shall in- <sup>Mano.</sup> herit the whole of their property. If both should die, their property becomes *sanghika* and it shall be divided equitably among the *rahans* entitled to inherit.

**Pakāsant.** [Substantially the same as Vinicchaya.]

**Rājabala.** [Substantially the same as Rāst.]

#### SECTION 402.

THE *LAHUBHAN* PROPERTY OF A DECEASED *RAHAN* OTHER THAN ALMS-BOWLS AND ROBES MUST BE DIVIDED AMONG THE *RAHANS* PRESENT AT THE TIME OF PARTITION.

**Rāst.** The *lahubhan* property of a deceased *rahan* shall be divided among the *rahans* present within the precincts of the monastery at the time of partition

**Vinicchaya.** The *lahubhan* property of a deceased *rahan* shall be divided among the *rahans* present within the precincts of the monastery at the time of partition. Because, such a partition is permitted by Buddha.

**Ditto.** On the death of all the *rahans* living together, other *rahans* belonging to the same sect shall divide the property of the deceased equitably among themselves.

**Ditto.** On the death of a *rahan*, the other *rahans* living in the same monastery or diocese shall inherit his property, but only in the absence of a pupil living with the deceased. In the absence of *rahans* living in the same monastery or diocese, other *rahans* in general shall inherit the property.

**Manu-  
vaṇṇanā.** [Substantially the same as the first extract from Vinicchaya.]

**Rājabala.** The *lahubhan* property of a deceased *rahan* other than the alms-bowl and the three monastic robes shall be divided among the *rahans* present within the precincts of the monastery at the time of partition, even though a *rahan* so present may be a stranger putting up within the precincts. Any one who is not present within the precincts of the monastery at the time of partition shall not be entitled to receive any share though he be a teacher, pupil, or relative of, or a member of the same diocese as, the deceased.

#### SECTION 403.

PARTITION OF A DECEASED *RAHAN'S* ESTATE SITUATE AT A DISTANT PLACE.

**Kaṅga.** The property of a deceased *rahan* left in the custody of some one at a distant place shall be inherited by the *rahans* resident at that place.

If property is left by a deceased *rahan* in another monastery in the custody of some one, it shall become vested in the custodian in the absence of any instructions as to the disposal of it. The *rahans* living with the deceased shall not prefer any claim to it. Dhammā-thakya

The rule laid down in the *Vinaya Pitaku* is as follows:— Manugyē.

The property of a deceased *rahan* left in the custody of some one shall become vested in the custodian. Those who attended on the deceased during illness or who buried him shall have no claim thereto, nor shall any layman have any claim to it.

[Substantially the same as Kaṅgā] Kandaw.

If a deceased *rahan* leaves property in a distant place without giving it to any person, the *rahans* resident in that place shall inherit it. Rāsi.

Property left in a distant place by a deceased *rahan*, and not given by him to any one in particular, nor appropriated by any one on the strength of his intimacy with the deceased, shall become vested in the *rahans* resident at that place, and they shall divide it among themselves. Vinicchaya.

Property left in a distant place by a deceased *rahan*, and not given by him to any one in particular, nor appropriated by any one on the strength of his intimacy with the deceased, shall become vested in the *rahans* resident at that place, and they shall divide it among themselves. The *rahans* resident in the monastery where the deceased expired are entitled to the property in the possession of the deceased at the time of his death. If death occurs in his own monastery his pupil living with him shall inherit his property. Manu-vāṇṇā.

A deceased *rahan's* property left in a distant place shall become vested in the *rahans* resident at that place. Pakāsaṇi.

A deceased *rahan's* property left in a distant place, and not given to any one in particular shall become vested in the *rahans* resident at that place. *Rahans* residing in the same place as the deceased shall have no claim thereto. Rājabala.

[The same as Manugyē.] Amvabō.

#### SECTION 404.

#### THE GIFT OF A PUGGALIKA MONASTERY BY A DYING RAHAN IS VALID.

The gift of a *puggalika* monastery made by a dying *rahan* is valid. Rājabala.

## SECTION 405

IF THE OWNER OF A *PUGGALIKA* MONASTERY DIES WITHOUT TRANSFERRING IT TO ANOTHER *RAHAN*, IT BECOMES *SANGHIKA* PROPERTY.

**Rājabala.** If a deceased *rahan* did not transfer his *puggalika* monastery to any one, it shall become *sanghika* property, and it shall be given to a *rahan* replete with the following two qualifications, namely, learning and frugality. No layman shall have any claim to it. Such being the rule, the reason why, in the Vinaya, a lay donor of a monastery is called the owner is that he is so called before the gift is made. From the moment the gift is declared to be made, the members of the Order become, or a member of it, as the case may be, becomes the owner of the monastery, and the donor loses all right and title thereto.

Therefore the donor has no voice in the selection of a successor to the original donee, the right to select being exercised by the members of the Order, and choice being made of a *rahan* possessing the two abovementioned qualifications.

The above is only a brief statement of the rule, for details reference should be made to the *Vinaya*

## SECTION 406.

ON THE DEATH OF *RAHANS* OR NOVICES THEIR ATTENDANTS ARE ENTITLED TO INHERIT.

**Dhamma.** A *rahan* or novice has property given him by his parents, and a co-heir takes such property and attends on him. On his dying without leaving the Order, only the co-heir who attended on him shall inherit the deceased's property.

**Manugyō.** [Substantially the same as Dhamma.]

**Rāsi.** Once when Buddha was informed by the *rahans* of the death of a *rahan* who left a large amount of property, he said that the surviving *rahans* should inherit the alms-bowl and the robes, but that if there was any one who attended on the deceased during illness, he should inherit the alms-bowl and the three monastic robes of the deceased, who was indebted to him for his kindness.

**Ditto.** Nowhere in the Buddhist scriptures and their commentaries is it laid down that lay relatives of a *rahan* shall be entitled to inherit his property. But in the case of a person who attended on a deceased *rahan* during his illness, such attendant, whether himself a *rahan* or layman or even a woman, shall be entitled to in-

herit such property of the deceased as was defined by Buddha. If there are two or more attendants who are equally assiduous in their attendance, they shall receive equal shares whether they are *rahans* or novices. If any one of them is more assiduous than the rest, he shall receive a larger share.

If a novice dies, the person who attended on him during his illness shall be given his robes. If the deceased has no robes but has other property, such portion out of it as is equivalent to three robes in value shall be given to the attendant. RAsl.

Under certain circumstances a layman may become entitled to receive a deceased *rahan's* property. A layman who attended on a deceased *rahan* during illness is entitled to receive the deceased's alms-bowl and robes by reason of the services rendered. The suppliers of monastic utensils are entitled to receive a deceased *rahan's* property in satisfaction of the value of goods supplied for consideration through the *kappiya* attendant of the deceased. The parents of a deceased *rahan* are entitled to receive any property contemplated and set apart by their son to be given to them by reason of the intention of the deceased as to the disposal of his property. Therefore, though property may belong to a *rahan*, a layman may nevertheless come into possession of it when there are circumstances permitting such possession.

The Buddha has said "O *rahan*! I do permit a member of the Vinicchaya Order to give his utensils such as alms-bowls and robes, &c., to any person who attends on him during his illness" For this reason, any person who attends on a *rahan* during his illness is entitled to receive the eight utensils, namely, (1—3) the three monastic robes (counted severally), (4) the alms-bowl, (5) adze (a razor according to some writers), (6) needles, (7) belt, and (8) filter.

Although the whole of a deceased *rahan's* property is *sanghi-ka* property, the members of the Order shall give the person who attended on the deceased during his illness, the eight utensils, even if such attendant be a woman. The interpretation of the last qualifying clause of the above sentence is that if even a woman is entitled to receive the eight utensils provided that she attended on the deceased during his illness, an attendant who is himself a *rahan* or a novice or layman would be much more entitled to receive them. Ditt.

Based on the above interpretation, Dhammathats like the *Manu-sāra* and others qualify the statement that a lay pupil shall not inherit a *rahan's* property. It must be understood, however, that the rule is simply that which is laid down in the Dhammathats. It is inconsistent with the rules of the *Vinaya*.

The same rule shall apply on the death of a novice as regards his possessions. In the partition of property belonging to the members of the Order the rules already laid down shall be referred to and applied. Such briefly is what is stated in the Buddhist scriptures. The rules *in extenso* are to be found in the *Vinaya* and to enter into details would be to go beyond the proper scope of Dhammathats and to make them cumbrous. The rules laid down in the old Dhammathats are inconsistent with those in the *Vinaya* and an attempt has been made in the present treatise to reconcile them, and readers are requested to exercise their own discretion in their application of the rules.

Manu-  
vannanā. [Substantially the same as the first extract from Vi-  
nicchaya.]

Ditto. [Substantially the same as the second paragraph in the  
second extract from Vinicchaya.]

Pakésant. The following is the rule laid down in the *Vinaya*:—

A *rahan* or a layman who attends on a sick *rahan* is entitled to receive the eight utensils, namely, *dugôk*, *koyôn*, *thinbaing*, belt, filter, adze, needles, and alms-bowl, because it is not every one who cares to attend on a sick person. Even a woman shall be given them provided that she attended on a sick *rahan*.

Manu. A gift made by the parents to a *rahan* on his entering the Order shall, on his dying without leaving it, be inherited only by the co-heir who attended on him; while the other co-heirs who do not attend on him shall receive no share.

Ditto. *Another rule.*—The person who attended on a deceased *rahan* during his illness shall receive his utensils.

Pāṇinī. The pupil of a deceased *rahan* shall inherit his property.

Kungya-  
linga. [Substantially the same as Yazathat in section 398, but  
with the following additional note:—]

The above rule is what is contained in the Mahayazathat written by Manurāja for Thalunmindayagi, builder of the Rājamanicūla and based on the decision of certain Sayadaws versed in the *Vinaya*.

Amwebôn. [Substantially the same as Dhamma.]

Chakra.

It is forbidden in the case of a *rahan* or novice who owns paddy and culturable lands, to devote much of his attention to them, nor is he permitted to let the lands on his own motion, but he is permitted to give his consent to any one requesting him to have them let at a specified rent. On the death of the *rahan* possessing such lands, his co-heir who attended on him and performed the burial

rites shall inherit them; while those who did not render such services shall be debarred from inheriting the property.

### SECTION 407.

A *RAHAN'S* LAY CO-HEIRS CANNOT INHERIT THE PROPERTY GIVEN TO HIM BY OTHERS AS A RELIGIOUS GIFT.

On the death of a *rahan*, his lay co-heirs shall not inherit the property given to him by other persons as a religious gift. Because, such property belongs to the members of the Order in general and not to the relatives. Such being the statement of the rule in the Dhammathats, it is therefore decided that on the death of a *rahan*, the property given to him by other people as a religious gift, properly belonging to the members of the Order, shall be inherited by them and not by the parents and relatives of the deceased. Yasathat.

A man makes a gift of a monastery, alms-bowls, robes, paddy and other lands, slaves, carriages, sedan chairs, biers, elephants, ponies, &c, and also endowments for the continual supply of food to the members of the Order in general. On the death of the original donee, the donor shall not resume the property which constitutes the gift, and it shall become *sanghika* property and vested in the succeeding members of the Order. Such being the rule as laid down in the Dhammathats, it is therefore decided that the property given as a religious gift to the members of the Order in general, becomes *sanghika* property, that on the death of the original donee the donor shall not resume the property, and that it shall become vested in the succeeding members of the Order. Ditto.

On the death of a *rahan*, his pupils, or those who attended on him during his illness, and not his co-heirs, shall inherit the property given to him as a religious gift. Manu-vagga.

If a gift is made to the members of the Order in general, the subject of the gift shall be vested absolutely in the donees and their successors. In the older Dhammathats it is usual to find the statement that the same rule shall apply to the gifts made to the members of the Order in general. These ancient Dhammathats should also be taken into consideration. Ditto.

The rule of partition, as laid down by certain learned Sayadaws, of the property given as a religious gift by other persons to a *rahan* in charge of a monastery, among his parents, relatives, other *rahans*, novices, and pupils is as follows:— Kungya-linga.

On the death of a *rahan*, his parents and relatives shall not inherit the property given to him as a religious gift. Such property

belonging to the members of the Order shall be inherited by other *rahans* and the deceased's monastic pupils.

#### SECTION 408.

THE LAY-COHEIRS OF A *RAHAN* CAN INHERIT THE PROPERTY GIVEN TO HIM BY HIS PARENTS AS A RELIGIOUS GIFT.

Yazathat.

A *rahan* has in his possession parental property kept apart from that given to him by other persons as a religious gift. On the death of the *rahan*, his parents and relatives can resume such property; and as it does not properly belong to the members of the Order they shall not inherit it. Such being the rule, it is therefore decided that the members of the Order and the monastic pupils of a deceased *rahan* shall not inherit the layman's heritable property kept in his possession by his parents, the latter shall have the right to resume it.

Manu-  
vāṇṇā.

The parents of a *rahan* make a religious gift of their property to him. Other *rahans*, novices, and monastic pupils living with him are not entitled to receive such property which shall be obtained by his lay co-heirs. Because, the possession of such property by the members of the Order is unbecoming.

Kungya-  
linga.

A man takes parental property with him on his entering the Order. On his death, the rule as to whether his parents and relatives, or his pupils, shall inherit such property is as follows:—

Parental property in the possession of a deceased *rahan* shall not be inherited by the members of the Order, as such property does not properly belong to them. It shall be resumed by his parents and relatives.

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#### SECTION 409.

PROPERTY ACQUIRED BY A *RAHAN* BY AGRICULTURE OR TRADE OR BY USURY CAN BE INHERITED ON HIS DEATH ONLY BY HIS PARENTS AND CO-HEIRS.

Yazathat.

A *rahan* acquires property by trade or agriculture or by usury. On his death, only his parents and relatives and not the members of the Order shall inherit such property. Because, it was acquired by the deceased employing himself as a layman. It is therefore decided that property acquired by a *rahan* by trade or agriculture or usury, or by some other secular occupation shall not be inherited by the members of the Order, but by his parents and relatives; because, it is not properly given him by others as a religious gift,

The property acquired by a *rahan* by trade or agriculture or by usury shall be inherited by his parents and relatives and not by the members of the Order. Manu-  
vargand.

*Another rule.*—If a *rahan* acquires property by usury, &c., it shall, on his death, be divided into three shares and a half: those who are already members of the Order shall receive two shares, novices one share, and the parents and relatives half a share. The last-named are entitled to inherit because they are not exempt from liability to punishment for a criminal offence committed by their *rahan* relative.

A *rahan* acquires property by trade or agriculture or by usury and dies. The rule as to whether his parents and relatives or *rahans* living with him shall inherit such property is laid down as follows in the Dhammathats — The property acquired by a *rahan* by trade or agriculture, or by usury, shall, on his death, be inherited by his parents and relatives and not by the members of the Order; because, the deceased acquired the property by engaging in secular occupations. Kungya-  
linga.

#### SECTION 410

A *RAHAN* WHO IS POSSESSED OF BOTH *PUGGALIKA* AND *SANGHIKA* PROPERTY DIES: WHETHER THE DONORS HAVE ANY REVERSIONARY INTEREST IN THE ESTATE.

A person makes a gift of a monastery, alms-bowls, monastic robes, Yasathat. paddy and other lands, carriages, biers, elephants, ponies and slaves, and also endowments for the continual supply of food to a specified *rahan*. On the death of the donee, the members of the Order shall not inherit such property, but it shall revert to the donor. Because, the gift was only to a specified *rahan* and not to all *rahans* in general. Such being the rule laid down in the Dhammathats, it is therefore decided that the property given to a specified *rahan* shall on the death of the original donee revert to the donor who shall be at liberty to again give it away as a charitable gift to whomsoever he likes, and that the deceased's pupils or members of the Order shall have no claim to such property.

A gift of gardens, paddy and other lands, cows, buffaloes, carts, Manu-  
vargand. carriages, palanquins, slaves, monastic robes, alms-bowls, cups, monasteries, &c., is made to a specified *rahan*. On his death the subject of the gift shall revert to the donor.

A person makes a gift of a monastery, lands, cows, buffaloes, slaves, &c., to a specified *rahan* or to all *rahans* in general. On the death of the original donee or donees, the rule as laid down in

the Dhammathats as to whether the donor shall have a reversionary interest in the property given is as follows :—

A person makes a gift of a monastery, paddy and other lands for the continual supply of food, monastic robes, alms-bowls, carriages, palanquins, biers, elephants, ponies, slaves, &c., to a specified *rahan*. On the death of the original donee, the members of the Order shall not inherit such property, but it shall revert to the donor, who shall be at liberty to again give it away as a charitable gift to whomsoever he pleases. If, on the other hand, the gift is made to *rahans* in general, the donor loses all reversionary interest in the property given, and it shall be inherited by the members of the Order who succeed the original donees. Because, the gift was made to all members of the Order in general.

#### SECTION 411.

A *RAHAN* DIES IN A MONASTERY OF FEMALE *RAHANS*; ONLY THE LATTER ARE ENTITLED TO INHERIT.

**Rast.** If a *rahan* dies in a monastery of female *rahans*, the latter alone are entitled to inherit the deceased's utensils

#### SECTION 412.

A FEMALE *RAHAN* DIES IN A MONASTERY OF *RAHANS*; ONLY THE LATTER ARE ENTITLED TO INHERIT.

**Ditto.** If a female *rahan* dies in a monastery of *rahans*, the latter are entitled to inherit the utensils of the deceased.

### CHAPTER XXVI.

#### ESCHEAT TO THE STATE.

#### SECTION 413.

IN THE ABSENCE OF HEIRS AN ESTATE DEVOLVES ON THE STATE.

**Memo.** The estate of a deceased person shall devolve on the State in the absence of children and relatives.

**Ditto.** With the exception of the estate of a *rahan* and of a Brahman, the estate of all other persons who die heirless shall devolve on the State.

The *Rishi* has said that the estate of a deceased person shall *Pya* devolve on the State in the absence of parents, co-heirs, and relatives.

With the exception of the estate of Brahmans, that of any other *Ditto* person who dies heirless shall devolve on the State

The king shall take over the property of one who dies without *Vilasa* heirs.

On the death of a person leaving no co-heirs, his estate shall *Ditto* devolve on the State, as his grandparents, great-grandparents, paternal uncles, maternal aunts, great-grandchildren, great-grandchildren's children are not entitled to inherit his estate, nor are the children of the last-named so entitled.

*Rishi* *Manu* has decided that the estate of a deceased person *Waru* shall devolve on the State in the absence of children, natural or adopted, and of other relatives.

The estate of a deceased person shall devolve on the State in *Yazathat* the absence of relatives who are entitled to inherit, because, only a king shall become the owner of ownerless property.

On the death of a person leaving no ancestors or descendants, *Ditto* who are entitled to inherit his estate, it shall devolve on the State for the benefit of the king. The king by his past meritorious deeds is born to rule and as a ruler he extends his sympathy to all his subjects and entertains a paternal regard for their welfare. For these reasons only a king is entitled to all property left ownerless.

The estate of a deceased person shall devolve on the State in the *Waru* absence of ancestors and descendants who are entitled to inherit it.

The estate of a person shall devolve on the State in the absence *Myingun* of heirs.

In the absence of heirs mentioned in the first extract from *Dham-Dhammathatkyaw* in section 216, the estate shall devolve on the *thatkyaw* State.

The estate of a deceased person shall devolve on the State in the *Kandaw* absence of children, whether natural, publicly adopted or casually adopted, and other relatives who are entitled to inherit it.

[Substantially the same as *Kandaw*.]

[Substantially the same as *Kandaw*.]

[Substantially the same as *Kandaw*.]

*Tajo*

*Vandana*

*Vandana*

- Vanṇanā.** [Substantially the same as Kandaw.]
- Rāsi.** [Substantially the same as the first extract from Vilāsa.]
- Ditto** [Substantially the same as the first extract from Vilāsa.]
- Manu-vanṇanā.** [Substantially the same as Kandaw.]
- Ditto.** Only in the absence of parents and relatives entitled to inherit it, shall the estate of a deceased person devolve on the State.
- Vicchadant.** The estate of a deceased person shall devolve on the State in the absence of relatives who are entitled to inherit it.
- Rājabaia.** An estate shall devolve on the State in the absence of heirs.
- Sōnda.** [The same as the first extract from Pyu.]
- Ditto.** [The same as the second extract from Pyu.]
- Pāṇam.** [Substantially the same as Kandaw.]
- Kungya.** [Substantially the same as the first extract from Yazathat.] .
- Warulinga.** [Substantially the same as Waru.]
- Kyetyo.** The estate of a deceased person shall devolve on the State in the absence of parents, children, and grandchildren.

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#### SECTION 414.

#### IN THE ABSENCE OF HEIRS, THE ESTATE OF A BRAHMAN DEVOLVES ON THE STATE.

- Mano.** The estate of a deceased Brahman shall devolve on the State in the absence of relatives or pupils.
- Mānussika.** The estate of a deceased Brahman shall devolve on the State in the absence of wife, children, and relatives who are entitled to inherit.
- Vilāsa.** The estate of a deceased Brahman shall devolve on the State in the absence of relatives and companions.
- Ditto.** The estate of a deceased Brahman who leaves no relatives and who is an outcast, shall devolve on the State.
- Kaṭṭya.** The estate of Brahmins and *rahans* shall devolve on the State in the absence of relatives.

The estate of a deceased Brahman shall devolve on the State in the absence of relatives and companions Dhamma-  
thatkyaw.

On the death of a Brahman of the Brahmacāri class without leave-  
ing wife or children, his estate shall devolve on the State. Manugya.

The estate of a deceased *rahan* or Brahman shall devolve on the State in the absence of relatives entitled to inherit it or of pupils living with him. Kandaw.

[The same as Kaingza.]

Tejo.

The king succeeds to the estate of a deceased Brahman who leaves no relatives or pupils living with him. Vappa-  
dhamma.

NOTE.—The Pāli in most of the Dhammathats is *dvinnuṃ dhanam*, meaning the estate of *rahans* and Brahmins; it should be *dvijum dhanam*, meaning the estate of Brahmins. The former is obviously wrong as the property of *rahans* who die heirless becomes *sanghika* property. It is the property of Brahmins alone which devolves on the State in the absence of heirs.

The following case illustrates the custom on which the rule is based :—

In former times, a Brahman, who was a native of *Dunnimitta* village in the province of *Kalinkarāj* in the country of *Sīvarāj* died in the town of *Sīvarāj* with a considerable quantity of property in his possession. The king hearing of the death caused inquiries to be made as to the existence of any heirs such as children and grandchildren, and not finding any, further inquiries were instituted as to the existence of co-heirs and other relatives. Failing in this also, the king took possession of the property himself.

The property belonging to *rahans* is divided into two classes, *garubhan* and *lahubhan*. The former being *sanghika* property is not subject to partition even though there may be heirs. As regards the latter, it shall be inherited by the heirs if there are any, but when there are none, it shall become *sanghika* property.

The estate of a deceased Brahman shall devolve on the State in the absence of heirs and other Brahmins living with the deceased. Vappanā.

The estate of a deceased Brahman shall devolve on the State in the absence of heirs and other Brahmins of the same caste. Rist.

During the reign of *Awamingaung*, King of Ava, a very wealthy man died; and out of his property a quantity of gold of the finest quality, about the size of an egg, was presented to the king, who however, refused to accept it, saying that it would be derogatory to his dignity and exalted position by accepting the present when there were heirs to the deceased's property.

In the original Dhammathat, it is said that property shall devolve on the State in the absence of owners. Again in the *Mahosadha jdtaka* it is said that ownerless property becomes the property of the king.

**RĀst.** The estate of a deceased Brahman shall devolve on the State in the absence of children, grandchildren, relatives, pupils, and other Brahmans living with the deceased.

**Manu-vaṇṇanā.** [Substantially the same as Vaṇṇanā.]

**Ditto.** [Substantially the same as Kaingza.]

**Manu.** [Substantially the same as Manugyè.]

**Amwebôn.** [The same as Manugyè.]

**Kyetyo.** [Substantially the same as the first extract from Vilāsa.]

**Ditto.** [Substantially the same as the second extract from Vilāsa.]

#### SECTION 415.

IN THE ABSENCE OF HEIRS, THE ESTATE OF A *RAHAN* DEVOLVES ON THE STATE.

**Mano.** The property of a deceased *rahan* shall devolve on the State in the absence of relatives and other *rahans* (or Brahmans).

**Kaingza.** [The same as Kaingza in section 414.]

**Manugyè.** The rule of escheat to the State is as follows:--

The property which devolves on the king on the death of a *rahan* who leaves no heirs is not meant for the ruler's private use: it shall be given away again in charity to a person worthy of receiving the gift. The ruler is called an heir because he receives the property which is left for the benefit of the Religion, to be devoted to charitable purposes.

**Kandaw.** [The same as in section 414.]

**Tejo.** [The same as in section 414.]

**RĀst.** [The same as the second extract from RĀst in section 414.]

**Manu-vaṇṇanā.** [The same as the second extract from Manu-vaṇṇanā in section 414.]

[The same as Manugyè.]

Amwebon.

The compilation of the Law of Inheritance being original extracts from thirty-six Dhammathats arranged in such a manner that similar rules are grouped together under a single heading, was completed by *Kinwun Mingyi* who bears the title of Thado-thudhamma-maha-thettawshe, at five hours after the first *Baho* (about 11 A.M.) on Monday the 15th of the waxing moon of *Hnaung Tagu* 1256 B.E., in the year 2438 of the Buddhist Religion (April 19, 1894 A. D.)

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